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**SPECIAL SENATE INVESTIGATION ON CHARGES
AND COUNTERCHARGES INVOLVING: SECRETARY OF THE ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN, AND FRANCIS P. CARR**

Blue book

HEARING

BEFORE THE

**SPECIAL SUBCOMMITTEE ON
INVESTIGATIONS OF THE COMMITTEE ON
GOVERNMENT OPERATIONS
UNITED STATES SENATE**

EIGHTY-THIRD CONGRESS

SECOND SESSION

PURSUANT TO

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PART 21

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CONTENTS

Appendix.....	Page 822
Index.....	I
Testimony of—	
Collier, Robert A., assistant counsel, Special Subcommittee on Investi- gations.....	819
Stevens, Hon. Robert T., Secretary, Department of the Army.....	784

EXHIBITS

	<i>Intro- duced on page</i>	<i>Appears on page</i>
14. Copy of prohibition on testimony by loyalty-security board before congressional committees.....	813	822
15. Letter from Senator Karl E. Mundt, United States Senate, to Attorney General Herbert Brownell, Jr., May 5, 1954.....	819	819
16. Letter from Attorney General Herbert Brownell, Jr., to Senator Karl E. Mundt, May 6, 1954.....	820	820

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ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE
HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN,
AND FRANCIS P. CARR

THURSDAY, MAY 6, 1954

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS OF THE
COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D. C.

The subcommittee met at 10:45 a. m., pursuant to recess, in the caucus room of the Senate Office Building, Senator Karl E. Mundt, chairman, presiding.

Present: Senator Karl E. Mundt, Republican, South Dakota; Senator Everett McKinley Dirksen, Republican, Illinois; Senator Charles E. Potter, Republican, Michigan; Senator Henry C. Dworshak, Republican, Idaho; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington; and Senator Stuart Symington, Democrat, Missouri.

Also present: Ray H. Jenkins, chief counsel to the subcommittee; Thomas R. Prewitt, assistant counsel; and Ruth Y. Watt, chief clerk.

Principal participants: Senator Joseph R. McCarthy, a United States Senator from the State of Wisconsin; Roy M. Cohn, chief counsel to the subcommittee; Francis P. Carr, executive director of the subcommittee; Hon. Robert T. Stevens, Secretary of the Army; John G. Adams, Counselor to the Army; Joseph N. Welch, special counsel for the Army; James D. St. Clair, special counsel for the Army; and Frederick B. Bryan, counsel to H. Struve Hensel, Assistant Secretary of Defense.

Senator MUNDT. The committee will come to order.

The Chair would again like to remind our guests in the audience that we are happy to have you as our guests and that you come in in conformity with the standing committee rule that there shall be no manifestations of approval or disapproval at any time by any member of the audience, and that the officers in the audience have been instructed to politely escort from the room immediately anybody violating that standing committee rule.

The Chair has been advised by Senator Symington that he would like to make a short statement at this time.

Senator SYMINGTON. I yield to my distinguished colleague from Arkansas.

Senator MUNDT. Senator McClellan?

Senator McCLELLAN. Before any statements are made, I would like to make a parliamentary inquiry.

Senator MUNDT. You may make it.

Senator McCLELLAN. Has this committee yet ordered a transcript of its proceedings in the course of these hearings submitted to the Department of Justice for its consideration and attention?

Senator MUNDT. As far as I know, it has not, although at the beginning of the hearings it was announced that a transcript would be sent to the Department of Justice.

Senator McCLELLAN. Mr. Chairman, I now move that an official transcript of all of the proceedings of this hearing to date be immediately transmitted to the Department of Justice for such attention and consideration as it may merit, and that future testimony, the transcript thereof, be immediately transmitted to the Department of Justice for the same purpose as rapidly as the transcripts become available.

Senator MUNDT. Without objection, the motion will be approved in conformity with the committee policy.

Mrs. Watt, if you will add the Department of Justice to the mailing list to receive the transcripts, that will take care of that.

Senator Symington, you wanted to make a statement, am I right?

Senator SYMINGTON. Thank you, Mr. Chairman.

Mr. Chairman, previous information I presented in these hearings about the membership of the Intelligence Advisory Committee to the National Security Council was incorrect. There have been some changes since I left that Council. The Intelligence Advisory Committee is chaired by the Director of the Central Intelligence Agency. Its membership includes the special assistant to the Secretary of State for Intelligence, the Deputy Director of Intelligence of the Atomic Energy Commission, the Deputy Director for Intelligence of the Joint Staff of the Joint Chiefs of Staff, the Assistant Director of the Federal Bureau of Investigation, the head of G-2 of the Army, the Director of Naval Intelligence, and the Director of Intelligence of the Air Force.

Title 5, United States Code, section 16, reads as follows:

Whenever any person is elected or appointed to any office of honor or trust under the Government of the United States, he shall, before entering upon the duties of his office, take and subscribe the following oath: "I do solemnly swear or affirm that I will support and defend the Constitution of the United States against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same, that I take this obligation freely without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter; so help me God."

According to testimony presented to this committee yesterday, the officer informant who gave this obviously fraudulent letter was guilty of sending secret information to somebody not authorized to receive it, and in so doing disobeyed the orders of his superiors.

In view of the testimony, Mr. Chairman, I do hope that every effort will be made to find out who was the informer. But at least as important should the knowledge on the part of the eight Government agencies who sit on the Intelligence Advisory Committee that they may now have in their midst someone who is willing, for whatever reason he considers proper, to distribute secret information to unauthorized people.

Thank you, Mr. Chairman.

Senator McCARTHY. Mr. Chairman?

Senator MUNDT. Senator McCarthy, do you want to be heard on the point on which we have been having this discussion?

Senator McCARTHY. Yes, Mr. Chairman.

Senator MUNDT. The Chair will hear you briefly.

Senator McCARTHY. Number 1, Mr. Symington knows he made a false statement just now. He said this was a fraudulent letter. J. Edgar Hoover said all parts of it were identical to the Hoover memorandum, with the exception of the deletion of the security matters. When Mr. Symington makes the statement he is deliberately attempting to deceive the people.

I may say, Mr. Chairman, when Mr. Symington left the committee I thought for a while it was a loss. When he came back on I thought it was a gain. I discover now since they have returned to the committee they have been spending their time trying to obstruct any attempt to dig Communists out of Government. Why, I don't know.

Senator MUNDT. The Chair feels that the Senator should direct his remarks to the contents of Mr. Symington's statement rather than to the individual.

Senator McCARTHY. Mr. Chairman, when Mr. Symington makes a false statement I think I am entitled to give the reason for it.

Senator MUNDT. The Chair recognizes your comment about the statement.

Senator SYMINGTON. Mr. Chairman.

Senator McCARTHY. I say this is part, Mr. Chairman, of a sequence of efforts on the part of Mr. Symington and Mr. Jackson to obstruct this committee ever since they came back on. When they came back I welcomed them. I thought they would work with us. Instead of that, I find that they are doing everything possible to keep this committee from functioning and digging out Communists.

This example of Mr. Symington this morning is just another example. He admits that Communists are mentioned in this letter. He is interested in trying to punish the individual who dared to give us information about espionage in the secret radar laboratory.

I want to assure Mr. Symington that as far as I am concerned, any of the loyal people who have been exposing Communists will not be subject to his type of vengeance. He will not get their names.

Senator SYMINGTON. Now, Mr. Chairman, in deference to the committee—

Senator MUNDT. The Chair recognizes you again, but points out that when we get into these preliminary discussions it is not a process of expediting the hearings, but tends to delay things.

Senator SYMINGTON. I appreciate that, Mr. Chairman, and I might say that the amount of time that I have taken of this committee in the 11 days that Secretary Stevens has been on the stand has been very, very little.

I do not want at this time to get into any discussion with the Senator from Wisconsin as to whether my record in attempting to build forces against Communist advancement equals or is superior to his. I would like to note that he got this letter many weeks before I left the committee. I never saw it until these hearings started. I would like to say also, however, that I believe I am justified in saying that this letter is

fraudulent. Its contents may be accurate. I did not read it because I was advised that it would be wrong to read it from the standpoint of my position and the laws of the country. But I did note in the letter that whereas the document Mr. Hoover said he sent said from or to General Bolling from Mr. J. Edgar Hoover. This fraudulent letter starts off "Dear General Bolling", and it is signed, presumably, "Sincerely yours, J. Edgar Hoover."

I do not question whether the facts are right or wrong with respect to the summary of the fraudulent letter, but I do say whoever put those facts in made up a letter which in itself was fraudulent because the salutation and the final words in the letter were never written by Mr. J. Edgar Hoover. I thank the chairman.

Senator McCARTHY. Mr. Chairman?

Senator JACKSON. Mr. Chairman.

Mr. JENKINS. Mr. Chairman, may I be recognized?

Senator MUNDT. These people are trying to attract the attention of the Chair. He hears them all, but he can recognize only one at a time. He will recognize counsel first.

Mr. JENKINS. I advise the Chair to permit no further discussion with respect to that letter. The proof has thoroughly exploited the facts. Parties hereto in interest have thoroughly expressed themselves. I think any further discussion, any further charges, counter-charges, constitute a waste of time. It is my suggestion that the Chair now order the proof to continue in this hearing.

Senator MUNDT. The Chair is proposing to do that. Senator Jackson, whose name has been mentioned, has a personal privilege, and which the Chair thinks would be fair to hear.

Senator JACKSON. Mr. Chairman, I think it is high time that this hearing get on the track. We have been sidetracked for a long time. I am not surprised by the statement of the Senator from Wisconsin. That is an old stock-in-trade, and you can expect that all through the hearing. But I think it is high time we get back on the track. So let us get down to business. I am not disturbed by statements that he may make. He made a lot of them in the 1952 campaign, and that is well known to the American people, against Senator Symington and myself, and the people repudiated him.

TESTIMONY OF HON. ROBERT T. STEVENS, SECRETARY OF THE ARMY—Resumed

Senator MUNDT. The Chair suggests that we get on. Everybody now has had a chance to be heard on matters of personal privilege.

Mr. Secretary, may the Chair inquire of you before we begin? You had a day's rest yesterday which the Chair was happy to have you have, and before beginning this morning we would like to inquire whether you feel now that you would like to continue or whether, if you prefer to get more rest, to step aside and have the Chair call someone else in the Army's case. The committee would like to be sure that you are refreshed and feel ready and able to testify.

Secretary STEVENS. I feel, Mr. Chairman, that I should leave this to the committee. I would carry on to the best of my ability, sir.

Senator MUNDT. Let the Chair say that we recognize that this is fatiguing work. If you or counsel will advise the Chair, or any mem-

ber of the committee at any time that you feel that you would like a day or 2 days away from the stand, there are other Army witnesses to be called. The Chair will be glad to accommodate you. You have had, as I say, 1 day free from that unhappy spot, and perhaps we can start in this morning—

Secretary STEVENS. I will remind the Chair that I was on the witness stand yesterday.

Senator MUNDT. For a very brief amount of time, yes.

Secretary STEVENS. Yes, but I was on.

Senator MUNDT. That is the reason I am inquiring whether you felt you wanted to continue this morning, if you felt refreshed. And if not, we would try to find some other witness from your side of the case to relieve you for awhile.

Secretary STEVENS. Well, I understood yesterday that the committee was going to give that matter some consideration on their own motion. Of course, I am prepared to abide by any decision that you make.

Senator MUNDT. We will have a short session this morning. May the Chair suggest that during the noon hour you consult with counsel and if you feel you would like to have the afternoon off, I am sure the committee would be happy to accommodate you.

Secretary STEVENS. All right, sir.

Senator MUNDT. Mr. Jenkins, have you further questions of Mr. Stevens?

Senator POTTER. Mr. Chairman, before we begin, I would like to make a point of order, by way of information to the members of the committee. This is the second week, I believe, or the conclusion of the second week, of this hearing. We are no closer to terminating the hearing today than we were a week ago. It has assumed the proportions of a treadmill hearing. I would like to emphasize to the members of the committee that the Senate also has other work which is of vital importance to the members of the committee. I am speaking now particularly of myself. We have on the floor of the Senate the Taft-Hartley Act amendments in which I, as one individual Member of the Senate, am vitally interested. I want to participate in the debates on the amendments. I feel that I have to do that, in all good conscience, representing the people of my State. So, I wish to suggest to the Chair and to the members of the committee that if this is going to be prolonged for weeks, maybe months, some effort will have to be made to allow members of this committee to take care of other essential Senatorial duties.

Senator MUNDT. May the Chair say simply that we tried valiantly, I think it was 2 days ago, at the suggestion of Senator Dirksen, to bring all parties around the table to see whether in the process of arbitration we could shorten the hearings by some equitable proceedings. The Chair stands ready to try again any time any member of the committee feels he has a formula to suggest. Of course, I might remind counsel that the motion unanimously adopted was, and it has never been rescinded, that counsel should continue to explore, with counsel for all sides, the evolution of a formula for expediting the hearings. I am sure that counsel will avail himself of every opportunity to do so.

Mr. Stevens, the Chair has no questions.

Senator McClellan?

Senator McCLELLAN. No questions.

Senator MUNDT. Senator Dirksen or any Senators to my right?

Secretary STEVENS. Mr. Chairman, could I make a very brief comment on two items?

Senator MUNDT. I see no reason why you should not. Everybody else has this morning and we might as well include you in.

Secretary STEVENS. They are very brief.

Senator MUNDT. Surely.

Secretary STEVENS. The first one is in a telephone conversation this morning with Mr. J. Edgar Hoover, Director of the FBI. He authorized me to make the following statement:

In conversations with Mr. Hoover from time to time since I have been in office, he has commented in the highest terms on the cooperation between his office and the G-2 Intelligence Division of the Army.

That is the end of the quotation.

At this time I would like to make a correction in my testimony appearing on page 1459 of the record. At that point, speaking of a conference in my office on February 24, I stated:

I don't think that I saw anybody except some of my staff on that afternoon after I got back from this meeting.

I have checked up the records and searched my memory, and I find that I got back to my office about 3:30, that I saw the press for about 10 minutes, that some pictures were taken, and that at 4:30 I met with a group in my office. I now have a list of the people invited by my staff to be present. I made a report to them of what had happened at that luncheon.

A list of those present is as follows. It is a list of 21 names, Mr. Chairman.

Senator MUNDT. Is that the luncheon that you refer to now, the luncheon where the memorandum of understanding was reached?

Secretary STEVENS. That is right.

Senator MUNDT. Do you want to read the list?

Secretary STEVENS. Yes, I will be glad to read it.

Senator MUNDT. It is entirely up to you. I did not know whether you had concluded your statement or not. You may read the list.

Secretary STEVENS. I would like to read the list. Secretary Keyes, Secretary Milton, Secretary Roderick, Mr. Hensel, Mr. Adams, General Ridgway, General Wibbel, General Lemnitzer, General Decker, General Young, General Trudeau, General Edelman, General Palmer, General Mudgett, Colonel Houck, Mr. Kane, Mr. Lehrbas, Mr. Martyn, Secretary Seaton, Colonel BeLieu, and Colonel Delanoy.

Senator MUNDT. Does that conclude your statement, Mr. Secretary?

Secretary STEVENS. Yes.

Senator MUNDT. Do any of the Senators to my left have any questions?

Senator SYMINGTON. No questions, Mr. Chairman.

Senator MUNDT. Mr. Welch?

Mr. WELCH. No questions.

Senator MUNDT. Senator McCarthy or Mr. Co.

Senator MCCARTHY. Mr. Secretary, you are correcting the testimony given on May 3, is that right?

Secretary STEVENS. On last Monday, yes.

Senator McCARTHY. You learned that last night and this morning there were two witnesses in executive session who testified that you were not telling the truth on page 1457 and page 1458—

Secretary STEVENS. I beg your pardon, sir?

Senator McCARTHY. Let me finish the question. Did you learn that last night and this morning two witnesses were called in executive session—let me finish—and their testimony was that your testimony on page 1457 and 1458 was completely untrue? Is that not why you decided to change your testimony?

Secretary STEVENS. It is not.

Senator McCARTHY. Did you learn—

Secretary STEVENS. I have mentioned this 2 or 3 times to counsel, that I wanted to elaborate on the point when I got an opportunity to do so.

Senator McCARTHY. Did you learn that a witness was called last night and one this morning and that those witnesses gave testimony directly contrary to yours?

Secretary STEVENS. No, sir.

Senator McCARTHY. You did not learn that?

Secretary STEVENS. No, sir.

Senator McCARTHY. Have you ever heard that Mr. Seaton was called this morning?

Secretary STEVENS. No, sir.

Senator McCARTHY. You don't know that until this time?

Secretary STEVENS. That is correct.

Senator McCARTHY. You didn't learn that a newsman was called last night?

Secretary STEVENS. No, sir.

Senator McCARTHY. You never heard about that?

Secretary STEVENS. No, sir.

Senator McCARTHY. Are you as positive about this, Bob, as you were about that meeting on the 24th?

Secretary STEVENS. I have answered the question, I think.

Senator McCARTHY. Let me ask you this—

Mr. JENKINS. Mr. Secretary, may I suggest that you get up to the microphone? Thank you.

Senator McCARTHY. Was not your counsel notified that Mr. Seaton was called this morning and a newsman was being called last night and this morning?

Secretary STEVENS. I don't know whether he was or not.

Senator McCARTHY. Would you ask him? He is sitting beside you. Would you ask him?

(Secretary Stevens conferred with his counsel.)

Secretary STEVENS. Will the reporter read the question, please?

(Whereupon, the question referred to was read by the reporter as above recorded.)

Senator McCARTHY. Just ask counsel whether he knew if these witnesses were called.

Mr. WELCH. Would it be appropriate, Mr. Senator, if I were to answer it?

Senator McCARTHY. No, it would be appropriate for the Secretary to answer. He is the man who is under oath.

Secretary STEVENS. Mr. Welch says he knew nothing about a newsman.

Senator McCARTHY. How about Mr. Seaton?

Secretary STEVENS. He heard this morning that Mr. Seaton had been called but he has no knowledge of what he testified to.

Senator McCARTHY. Your testimony is that this is the first time you knew that Seaton was called?

Secretary STEVENS. That is correct.

Senator McCARTHY. Who prepared the statement you just gave? Who prepared it, Mr. Stevens?

Secretary STEVENS. It was a combination effort of Stevens and counsel.

Senator McCARTHY. It was a combination effort after counsel knew that Seaton was being called? The question I have in mind, Mr. Secretary, is this: When you learned that your testimony was inaccurate, why didn't you immediately——

Mr. JENKINS. Senator McCarthy asked a question and did not give the witness an opportunity to answer. He is entitled to that opportunity.

Senator MUNDT. The reporter will repeat the question there was no opportunity given to answer.

(Whereupon, the question referred to was read by the reporter as above recorded.)

Mr. JENKINS. There is a question prior to that, and I can restate it, if the chairman will permit me.

Senator MUNDT. Very well.

Mr. JENKINS. The question by Senator McCarthy which you were not given an opportunity to answer was this: Was it a combination effort on the preparation of the statement you have read on the part of yourself and counsel, after your counsel learned that this witness had been called this morning to testify at an executive session?

Secretary STEVENS. Well, of course I can't testify as to what my counsel knew about Seaton. You will have to ask him. But it was a combination effort in my office this morning, with counsel, and mainly I would say it is my own work.

Mr. JENKINS. Mr. Secretary, did your counsel advise you prior to or during the preparation of that statement that he had been advised that this witness was called this morning to testify at an executive session?

Secretary STEVENS. He did not.

Mr. JENKINS. I think, Mr. Chairman, that fully explores the matter and we should pass to another subject of inquiry.

Senator MUNDT. Senator McCarthy?

Senator McCARTHY. Mr. Chairman, in view of the fact that this statement was made after Senator McClellan, and rightly so, suggested the entire transcript go to the Justice Department, in view of the fact that it was made after two witnesses testified positively that the Secretary gave incorrect testimony, in view of the fact that Mr. Welch helped prepare this statement, and says he knew that Seaton was going to be present, I would like to ask the Chair to swear Mr. Welch so I can examine him on this.

I just wonder why, what on the face would appear to be perjury, was corrected only after it was known that we have gotten witnesses to testify to the fact.

To me it seems impossible that any man of normal intelligence, and I think Mr. Stevens has at least normal intelligence, would forget

a meeting of 21 of the top people over in the Pentagon, and tell us there was no such meeting.

Mr. JENKINS. Mr. Chairman, that is not a point of order. I think it entirely improper. The Senator may have Mr. Welch sworn at any appropriate time and cross-examine him with reference to whether or not he advised the Secretary prior to the preparation of that statement that he knew Mr. Seaton was here. I again suggest that we proceed with the interrogation of the witnesses on matters relevant to the issues.

Senator McCARTHY. Mr. Chairman?

Senator MUNDT. The Chair believes that the counsel's statement is sound, and since Mr. Stevens is on the stand and we are trying to expedite the hearings so we can get on to other witnesses, if you want to interrogate Mr. Welch, that you wait until we have concluded with Mr. Stevens.

Senator McCARTHY. Mr. Chairman, may I say that I think this is one of the most important issues in question here, whether or not there was perjury or subornation of perjury. We have been following the practice constantly of having the Secretary step aside when a question comes up. I will not press the point, if the Chair wants to have Mr. Welch sworn at a subsequent time. I thought if he could be sworn now, it could give the Secretary time to have a rest also. I gather the Chair would not like to have Mr. Welch go on the stand at this time.

Senator MUNDT. The Chair would like to follow the suggestions of counsel who has his plan for conducting the hearing.

Senator McCARTHY. That is agreeable.

Mr. Secretary, on the 3d of May you were asked these questions:

Senator McCARTHY. You were unhappy when you stood there smiling and shaking my hand while the photographers were taking their pictures?

Secretary STEVENS. Unhappy, period.

Senator McCARTHY. All right. Then you got back to the Pentagon. Would you tell us how there was originated that particular night the charges against Mr. Cohn?

Secretary STEVENS. I have no idea.

Senator McCARTHY. Did you talk to Hensel that night?

Secretary STEVENS. I don't think I did.

QUESTION. Do you remember?

ANSWER. I don't think I did. No, I am pretty sure I didn't.

When did you first refresh your recollection and remember there was this 21-man meeting?

Secretary STEVENS. Well, Senator, as far as Mr. Hensel is concerned, he was one of 21 at the meeting. I didn't talk with him personally. I made——

Senator McCARTHY. Did you hear my question? I said when did you refresh your recollection and suddenly remember the 21-man meeting which you did not remember 3 days ago?

Secretary STEVENS. Well, when I get through with the day's testimony, I think about it and try to search out my memory and see if anything needs correction or explanation. I remembered then, I was, I will admit, on my eighth day on the stand, there was some weariness, and I overlooked that point. I told my counsel not once but two or three times that as soon as I got an appropriate opportunity I would like to elaborate on that return to the Pentagon.

Senator McCARTHY. Mr. Stevens, I have been trying to cut this short to get you off the stand, but when you give long involved answers that has nothing to do with the question, there is no way I can get you off in a hurry. My question simply was: When did you first remember about this 21-man meeting in your office, the one which you did not remember last Monday? When did you first remember it? Monday night, Tuesday night?

Secretary STEVENS. I would say I can't remember precisely, but I would say I probably thought of that, maybe, on Tuesday, sometime. I don't know. I am guessing at it.

Senator McCARTHY. Mr. Stevens, if this testimony were to stand, and if you hadn't corrected it, with the other two witnesses testifying, it would be a clear-cut perjury case, so it is rather important to you.

Mr. JENKINS. I suggest, Senator McCarthy, that instead of making a statement of fact, you simply ask questions of this witness. You have made a statement of fact which I don't think is proper. I think your line of inquiry was perfectly proper and for that reason no objection was made.

Senator MUNDT. The Chair holds the point of order.

Senator McCARTHY. Mr. Secretary, you are aware of the fact, you are aware of the fact now, that your testimony under oath on the 3d is directly contrary to the testimony of Mr. Seaton? Are you aware of that, both under oath—

Secretary STEVENS. I am not aware of anything that Mr. Seaton has testified to.

Mr. WELCH. I object to the question. That is an improper question.

Senator MUNDT. The question would be ruled out, because the witness would have no way of knowing about any testimony made by Mr. Seaton.

Senator McCARTHY. Mr. Chairman, of course he would avoid knowing. Mr. Seaton is in his office. I understand the rule is if a man is called from the Pentagon, they notify the Secretary. Is that right, Mr. Secretary? When anyone is called from the Pentagon is there not a rule that you or your counsel be notified?

Secretary STEVENS. I don't know of any such rule.

Senator McCARTHY. You don't know of any such rule?

Secretary STEVENS. No.

Senator McCARTHY. Now, let us get back to this. I said, "Did you talk to Mr. Adams?"

ANSWER. "As a matter of fact, I went back to the office and then I went home, and I don't think that I saw anybody except some of my own staff on that afternoon."

When did you first discover, Mr. Secretary, that that answer was completely in error, that instead of merely seeing a few members of your staff, you actually saw some 21 of the top men in the Pentagon, including Hensel?

Secretary STEVENS. I considered that 17 out of the 21 were members of my staff.

Senator McCARTHY. And how about the other four?

Secretary STEVENS. The other four were from the Department of Defense.

Senator McCARTHY. When you were testifying this morning, your testimony was that you did not remember that 21-man meeting; is that right?

Secretary STEVENS. I said, as I recall it, that I met with some members of my staff, and that is what I did. Now I have spelled it out to you in detail as to just what that meant and who was there.

Mr. JENKINS. Mr. Chairman, I think the Secretary has been fully questioned with respect to that and has given answers fully, and it is my suggestion that counsel now proceed to other points of inquiry.

Senator McCARTHY. What did you discuss with Mr. Hensel and the 21 men that night?

Senator MUNDT. The Senator's time has expired.

Mr. Jenkins?

Mr. JENKINS. I have no further questions.

Senator MUNDT. The Chair has none.

Senator Symington or Senator McClellan?

Senator SYMINGTON. No questions.

Senator MUNDT. Any Senators to my right? Any Senators to my left?

Senator SYMINGTON. No questions.

Senator MUNDT. Mr. Welch?

Mr. WELCH. No, sir.

Senator MUNDT. Senator McCarthy or Mr. Cohn.

Senator McCARTHY. Mr. Stevens, we now learn that Mr. Hensel was with you that night. The question is: What did you discuss with Mr. Hensel and the other 20 or 21 people?

Mr. WELCH. Objection.

Senator MUNDT. On what basis, Mr. Counsel?

Mr. WELCH. The counsel of the committee has just ruled that this has been fully and adequately explored and suggested that the questions move on to another item.

Senator MUNDT. You are incorrect, Mr. Welch. He counseled the chairman. The chairman will rule. The chairman is willing to rule that there should be no more questions about who were there or how many were there, but this is a different line of questions as to what was said.

Secretary STEVENS. I reported on the luncheon with you and Senator Dirksen and Senator Mundt and Senator Potter.

Senator McCARTHY. In view of the fact that Mr. Hensel's specification indicates that was the night that he first heard any complaints against Mr. Cohn or against any of my staff, could you tell us who gave him that information? Was it discussed there that night?

Secretary STEVENS. If you are still referring to the meeting of members of my staff plus four people from the Department of Defense, Senator, it was not discussed. That was in the afternoon at 4:30.

Senator McCARTHY. When Mr. Hensel says, "Not until February 25, 1954, did I have any information that the Department of the Army had been having difficulty with Senator McCarthy, Mr. Cohn," et cetera, you say he did not get that information while you were present?

Secretary STEVENS. That is correct.

Senator McCARTHY. Will you tell us this, Mr. Secretary. At some time someone decided to issue a report charging Mr. Cohn, Mr. Carr, and myself with improper conduct. When did that originate? When did that originate and who originated it?

MR. WELCH. Mr. Chairman, I do not understand that question.

Secretary STEVENS. May we have it read back?

Senator McCARTHY. Did you understand it, Mr. Secretary?

Secretary STEVENS. I would like to have it read.

Senator MUNDT. The reporter will read the question.

(The question was read by the reporter.)

Secretary STEVENS. I have testified at length, Senator McCarthy, that there had been many inquiries from the Congress in regard to this whole situation, and it finally headed up on the receipt of Senator Potter's letter. An answer was then made to Senator Potter and to all members of this committee and other Members of the Congress who had inquired about it.

Senator McCARTHY. When was the report prepared? Was that prepared after Senator Potter wrote you?

Secretary STEVENS. I think that the report, the so-called chronology, was prepared by Mr. Brown, of Mr. Hensel's office, along, I would say, starting about the 4th or 5th of March—somewhere in there. That is a guess.

Senator McCARTHY. That was before Senator Potter wrote the letter?

Secretary STEVENS. That was before Senator Potter's letter was written; that is right.

Senator McCARTHY. So this report was not prepared as a result of Potter's letter?

Secretary STEVENS. It was prepared as a result of mounting inquiries from the Congress in regard to the matter of David Schine.

Senator McCARTHY. Who decided to prepare it?

Secretary STEVENS. Who decided to prepare it?

Senator McCARTHY. Yes.

Secretary STEVENS. I don't know who decided to prepare it. I know that Mr. Hensel got in touch with me and asked me to see Mr. Brown and discuss these matters with him and I did that. I assume that Mr. Hensel was probably acting under orders of the Secretary of Defense. I don't know.

Senator McCARTHY. These charges were put out entitled "Army Charges" or something to that effect. You were the Secretary when they were put out? That is obvious, isn't it?

Secretary STEVENS. That is right.

Senator McCARTHY. Did you order them put out?

Secretary STEVENS. No, sir; I didn't order them put out.

Senator McCARTHY. Couldn't we, Mr. Secretary, find out who was responsible for making public charges against Mr. Cohn, Mr. Carr, and myself? You must know that.

Secretary STEVENS. Senator, I have tried to cover it to the best of my ability. Maybe it isn't clear. I have told you how the thing evolved from the inquiries that we received from members of the Senate and the House. It evolved along and came to a climax somewhere about the time that, shall I say, somewhere in the early part of March, somewhere around the 4th and 5th. In that period I would say is when this chronology was being compiled.

Senator McCARTHY. Would you say that Mr. Hensel was telling the truth when he says that he first learned about this report was being evolved—

MR. JENKINS. Mr. Chairman, that is not a proper question. We cannot ask the Secretary to pass on the truth or veracity of anything Mr. Hensel says.

Senator MUNDT. The Chair upholds that point of order.

Senator McCARTHY. If the Chair would withhold his ruling until I complete the question.

Senator MUNDT. You should avoid asking whether or not Mr. Hensel made an accurate statement.

Senator McCARTHY. It is imperative. If the Chair rules it out I will give the Chair my reasons for feeling this is a proper question.

First, could I repeat the question?

The question, Mr. Secretary, is this: Mr. Hensel, who you say worked with you in preparing this, has filed specifications saying that the first time this matter of the so-called evolved report came to his attention was the night of the 21-man meeting after you left the meeting with Senators Mundt, McClellan—not McClellan, but Dirksen and Potter.

Is it correct that that is the first time that this matter was brought to Mr. Hensel's attention as far as you know?

I submit, Mr. Chairman, that is a perfectly proper question.

Senator MUNDT. It is perfectly proper as now stated.

MR. JENKINS. An entirely different question from the one which you previously asked.

Secretary STEVENS. There was no mention that there was any such thing. After the meeting was over and I wound up my duties I went on home and I did not see Mr. Hensel again for, I should think, probably 10 days or possibly 2 weeks.

Senator McCARTHY. Could you try to answer the question, Mr. Secretary?

Will the reporter read it to the Secretary?

Secretary STEVENS. Do you mean did I speak to Mr. Hensel that night? The answer is "No."

Senator McCARTHY. I just want you to answer the question, Mr. Secretary. Will the reporter read it?

(Whereupon, the question referred to was read by the reporter, as above recorded.)

Senator MUNDT. Would you restate it, Senator McCarthy, in the interest of saving time? He may not understand what you mean by this matter. Would you restate it?

Senator McCARTHY. I will be glad to.

Mr. Secretary, we are referring now to the day of February 24.

Secretary STEVENS. That is right.

Senator McCARTHY. Do you recall that is the day you had the meeting with Senator Mundt and three other Senators?

Secretary STEVENS. I do.

Senator McCARTHY. Do you recall that was the day that you met with 21 people from the Pentagon after you left our meeting?

Secretary STEVENS. That is right.

Senator McCARTHY. Now, the question is this: Is it correct that insofar as you know, either from your own personal knowledge or from reports from your staff, is it correct that that was the first day that there was ever brought to Mr. Hensel's attention the question of,

or the possibility of the issuance of a report charging misconduct on the part of Mr. Cohn, Mr. Carr, and myself?

Secretary STEVENS. Well, I had not heard anything about it, Senator, and I don't know when Mr. Hensel found out about it.

Senator McCARTHY. When did you first have any knowledge or discussion about these charges against Mr. Cohn and Mr. Carr?

Secretary STEVENS. Well, in the form of the so-called chronology, I would say that was about the 4th or the 5th of March, when Mr. Brown came to talk to me.

Senator McCARTHY. Mr. Secretary, you have stated a number of times that this originated—maybe I am not using your exact words—something to that effect at the time Senator Potter wrote you a letter. Is it not a fact that the report or a report was in the hands of certain newsmen before Senator Potter wrote you this letter?

Mr. BRYAN. Mr. Chairman, a point of order. The record plainly shows that Senator Potter did not write a letter to Secretary Stevens, but wrote a letter to the Secretary of Defense. Therefore, the Senator's question is based upon an assumption of facts contrary to those in evidence and is improper.

Senator MUNDT. The point of order is sustained. The letter was written to the Secretary of Defense. We will let the Senator rephrase his question and specify a date or something that will make it clear.

Senator McCARTHY. Mr. Secretary, you understand what letter I am referring to, don't you?

Secretary STEVENS. Senator Potter's letter?

Senator McCARTHY. Yes.

Secretary STEVENS. Yes.

Senator McCARTHY. So there was no deception caused by that letter, was there? You understand what letter I am referring to. There was only one letter from Potter; was there not?

Secretary STEVENS. That is right, so far as I know.

Senator McCARTHY. My question is this: Before Senator Potter sent that letter, is it not true that the so-called report or parts of it were already in the hands of certain newsmen?

Secretary STEVENS. Well, I don't know, Senator McCarthy. I didn't have the report myself, and I have no way of knowing how to answer your question. I certainly had no contact with any news people about it at any time.

Senator McCARTHY. Did you have any knowledge, any reason to believe that the report or parts of it were handed to certain newsmen before Mr. Potter wrote his letter?

Secretary STEVENS. I don't know anything about that, Senator McCarthy. I have heard rumors about it. It has been mentioned here during the course of the hearings. But as far as I am concerned, it has been rumor with me, and I have had no contact with any news people myself on it.

Mr. JENKINS. May I make a suggestion, Mr. Secretary? I think we can shorten this point of inquiry. It is just this simple question, it is a new question: Did you have any reason to believe that certain parts of this report, so-called advance, had been released to any newsman or any newsmen, prior to Senator Potter's letter of inquiry to the Department of Defense? Did you have any reason to believe that part of it had been released to newsmen?

Secretary STEVENS. I heard rumors about it, Mr. Jenkins, and I think that there were some indications of it somewhere in the press at some time.

Senator McCARTHY. In fact, you know that parts of the report appeared in the press long before Mr. Potter ever wrote a letter, and that is one of the reasons why he wrote that letter? Don't you know that?

Secretary STEVENS. I had absolutely nothing to do with writing the letter.

Senator McCARTHY. You said you heard rumors that the report had been released prior to the request of the Senator. Have you tried to run down those rumors? Have you discussed them with Mr. Adams to find out whether they were true or not?

Secretary STEVENS. I have talked with Mr. Adams and others about the whole situation, of course, Senator McCarthy.

Senator McCARTHY. Just about these rumors. Let's stick to those for a while. Did you talk to Mr. Adams about the rumors that you heard to the effect that a report charging my staff with misconduct went to the press or sections of it went to certain elements in the press before it came to Mr. Potter or any of the Senators?

Secretary STEVENS. I think that, if I may say so, Mr. Adams is the one that ought to testify on that, because I honestly don't know what he did.

Senator MUNDT. This question, Mr. Secretary, was whether you, personally, had taken any steps to run down the rumors. If you didn't, you can say "no." If you did, you can say "yes." And had talked to Adams.

Secretary STEVENS. Yes; I talked to Adams about it.

Senator MUNDT. Very well, proceed.

Senator McCARTHY. And what did Mr. Adams tell you?

Secretary STEVENS. As I got it from Mr. Adams, there had been no copy of any part of any report that had been given out. I gathered the impression that he may have talked with somebody of the press. I don't know who.

Senator McCARTHY. Did he tell you who he talked to?

Secretary STEVENS. I don't recall.

Senator McCARTHY. In other words, he told you he talked to somebody in the press about this report?

Secretary STEVENS. My recollection is that he said he had talked with somebody in the press, but he said that there was nothing that had been given out. That is about all I know about it. I think that Mr. Adams can give you all the chapter and verse on it.

Senator McCARTHY. Did he tell you at least one member of the press had helped him prepare the charges?

Secretary STEVENS. He did not.

Senator McCARTHY. Has he ever told you that?

Secretary STEVENS. No, sir.

Senator McCARTHY. And he told you that he had not given out any part of the report but he had talked to certain members of the press about the report before Potter wrote you?

Secretary STEVENS. It seems to me he told me that he talked with one member of the press. Whether he talked to any more or not, I don't know.

Senator MUNDT. The Senator's time has expired.
Counsel?

Mr. JENKINS. No further questions, Mr. Chairman.

Senator MUNDT. The Chair is accumulating a few, but he will pass.

Senator McClellan?

Senator McCLELLAN. Pass.

Senator MUNDT. Any Senators to his right?

Senator POTTER. I have one question.

Senator MUNDT. Senator Potter.

Senator POTTER. Mr. Secretary, I don't know whether you are in a position to answer this question or not, but do you have knowledge that the release of this report was to be made to certain Members of the Congress, both in the House and in the Senate, most of whom were not on this committee? Do you have knowledge that this report, irrespective of my letter, was to be sent to those Members of the Congress?

Secretary STEVENS. Yes, sir; I do, Senator.

Senator POTTER. You have that knowledge?

Secretary STEVENS. Yes, sir.

Senator POTTER. This may be repetitious of the inquiry that just ensued. You are familiar with the fact that, as I stated before, an open secret existed that a report was in the process of being written or had been written for several weeks prior to my letter? I believe you have testified to the fact that you had knowledge of that to a certain degree.

Secretary STEVENS. Well, Senator Potter, I was in the Far East for several of those weeks immediately preceding February 3.

Senator POTTER. Prior to my letter, you had heard that certain newspaper articles had been written concerning this so-called report?

Secretary STEVENS. In a general way, yes, sir, I had heard rumors of it, and I think probably had seen something in the press referring to somebody's report.

Senator POTTER. That is all I have.

Senator MUNDT. Senators to my left?

Mr. Welch?

Mr. WELCH. No questions.

Senator MUNDT. Senator McCarthy or Mr. Cohn?

Mr. BRYAN. Mr. Chairman—

Senator MUNDT. Do you have a point of order?

Mr. BRYAN. No. I would like to ask the witness a question or two, if I may. If it is going to cause the committee any difficulty, I will hold it up.

Senator MUNDT. I was wondering if we are operating in reverse from the standpoint of expediting. I can appreciate your reason for asking it, I don't want to say no, but I am worrying about whether if we get a three-cornered counsel table here, I am wondering if it will shorten it. If he wants to ask questions, I will not hold against it.

Mr. BRYAN. I will withhold any questions at this point, in view of the Chair's desire for expedition, but will reserve the right to ask them in due course if the necessity should appear. That is in deference to the Chair's desire to expedite.

Senator MUNDT. Thank you. And if you desire to ask questions again, you may, and the request will be granted.

Senator McCarthy?

Senator McCARTHY. Mr. Chairman, may I say in view of the fact that Hensel's name has been brought into this, I will be glad to surrender part of my 10 minutes to Mr. Bryan to ask any questions.

Mr. BRYAN. I will pass at this time.

Senator MUNDT. It is not going to help much because you have an unlimited number of 10 minute periods.

Senator McCARTHY. Mr. Stevens, you say that the only reason that you know about this report, the report on communism, was by way of discussion between Mr. Adams and one newspaperman, is that right?

Secretary STEVENS. I remember he mentioned that he had talked to one. Whether he talked to more or not, I do not know.

Senator McCARTHY. Who is that one?

Secretary STEVENS. I do not know.

Senator McCARTHY. Will you turn around and ask him? You said you had these men along with you to advise you when your memory does not serve you.

Secretary STEVENS. Mr. Adams is prepared to testify when he is called, Senator McCarthy.

Senator McCARTHY. Wouldn't you like to refresh your recollection now and find out who that newspaperman was?

Secretary STEVENS. I don't know who it is, and I don't see why I should testify on what he is in a position to testify on, and I am not in a position to testify on.

Senator McCARTHY. Mr. Stevens, I asked you what discussion he had with you. You said that he told you that he had given this information to one newsman. You say you cannot remember that newsman's name.

Secretary STEVENS. No, I do not remember.

Senator McCARTHY. I merely ask you to turn to Mr. Adams and refresh your recollection so that you will know who that newsman was, so you can tell us.

Secretary STEVENS. I think it would be better to swear Mr. Adams and let him testify on it of his own knowledge. It is all hearsay with me.

Mr. JENKINS. Mr. Chairman?

Senator MUNDT. Mr. Jenkins.

Mr. JENKINS. Mr. Secretary, I think perhaps Senator McCarthy is entitled to ask you to confer with Mr. Adams and to tell him the name of the newsman to whom Mr. Adams talked with reference to these events or a part of these events. I see nothing wrong about it.

(Secretary Stevens and Mr. Adams conferring.)

Senator MUNDT. The photographers will be seated. The photographers will please be seated.

Secretary STEVENS. Mr. Adams said the name was Joseph Alsop.

Senator McCARTHY. Did Mr. Adams tell you that Mr. Alsop had helped him prepare the charges?

Secretary STEVENS. He did not.

Senator McCARTHY. Mr. Secretary, the day that we had the meeting, you and Senator Mundt and the other three Senators, we discussed the difficulty being caused, the disruption of the orderly work

of the committee by the constant leaks of erroneous stories and other stories from the Pentagon——

Secretary STEVENS. What meeting are you referring to now, Senator?

Senator McCARTHY. Pardon?

Secretary STEVENS. What meeting are you referring to?

Senator McCARTHY. The meeting——

Mr. JENKINS. February 24.

Secretary STEVENS. February 24.

Senator McCARTHY. At that time did you not agree that you would do everything you could to stop these unofficial leaks, leaks reflecting upon the committee, and that any releases would be official releases which you yourself approved?

Secretary STEVENS. Senator, I do not recall that particular conversation, but it is certainly in line with my policy because I do everything I can to prevent leaks.

Senator McCARTHY. You returned to the Pentagon that night, and after this meeting, or while it was going on, there was released to the press the statement that you would have made had you not made the agreement with us. Can you tell us who released that statement?

Secretary STEVENS. What statement is that?

Senator McCARTHY. Don't you recall? The night of the 24th.

Mr. JENKINS. Mr. Chairman?

Senator MUNDT. Counsel Jenkins.

Mr. JENKINS. I regret to have to interpose so many objections, but the question presupposes the fact that a release was made on the night of the 24th. I suggest that the Senator first ask the Secretary whether or not such a release was made. As I recall, there is no proof whatever that any release was made on the night of the 24th.

Senator MUNDT. Counsel is correct. The point of order is upheld. He suggests to Senator McCarthy first to establish the basis on which to ask the second question.

Senator McCARTHY. I think the point is well made. I assumed the Secretary knew all about that. It was an effort to cut down the time.

Mr. Secretary, the night of the 24th, was there released to the press the statement which you had planned on making had you not made the agreement with Senator Mundt and myself, Senator Dirksen, and Senator Potter?

Secretary STEVENS. The facts are these: I had worked——

Senator McCARTHY. Answer yes or no, will you?

Senator MUNDT. I think the witness is entitled to express the facts. I hope that they will include a yes or no to the question, but he might want to make some explanation.

Senator McCARTHY. May I make a suggestion, Mr. Chairman? I think the witness should, if possible, first tell us yes or no and then go ahead and explain the yes or no answer.

Senator MUNDT. May the Chair inquire, is it possible for the Secretary to preface his remarks with a yes or no answer? Is he in a position to answer that yes or no?

Secretary STEVENS. I think it is very difficult to do. If the Chair insists, I will try.

Senator MUNDT. I don't want to insist if you can't do it. If you know whether you issued one or didn't, then you should say yes or no and then proceed.

Secretary STEVENS. Then I will say "Yes," but——

Senator MUNDT. All right, then proceed.

Secretary STEVENS. The facts are these: When the General Zwicker case came up, which involved the abuse by Senator McCarthy of an army general, I took violent exception to it, and I ordered General Zwicker not to appear at a hearing of this committee which was going to take place at 10 o'clock the following Tuesday morning, the day after Washington's birthday.

Senator McCarthy informed me that I would appear, which was O. K. with me. In the meanwhile, I went to work to prepare a statement that I would use when I came before this committee giving all the facts in the Zwicker case and stating why I had instructed him not to appear at that one hearing, because I felt that he had been abused on the 18th of February.

That statement was just about complete at the time that we had the luncheon which Senator Mundt has referred to. When I went home that night some of my friends came in. We had the statement there. We looked it over. I remember that Arthur Hadley was there, of Newsweek. There was a good deal of telephoning. I think Mr. Hadley testified himself that he called somebody, I don't know who it was, and read them about 3 paragraphs out of that statement which was a statement, as I recall it, of some 10 or 12 pages that I prepared to use at the hearing. There may have been other telephone calls made by Mr. Hadley or maybe other friends who were in there that evening.

As far as I am concerned, I didn't give out any statement myself, but those are the facts dealing with that situation and I hope that you understand the difficulty of putting a yes or no answer on it. But I did put the question "yes" and then ask for the right to explain.

Senator MUNDT. The "yes" applies to a portion of the statement, but not all of it.

Secretary STEVENS. I think about three paragraphs.

Senator MUNDT. Senator McCarthy.

Senator McCARTHY. Were there any newsmen or columnists at the meeting of the 21?

Secretary STEVENS. I beg your pardon, Senator?

Senator McCARTHY. This meeting of the 21 on the 24th of February were there any newsmen present?

Secretary STEVENS. No, sir.

Senator McCARTHY. Are you sure of that?

Secretary STEVENS. Yes, sir.

Senator McCARTHY. Do you have a diary written in your office so you can tell who was present?

Secretary STEVENS. I read you the list of names of those who were present. I have already put that in the testimony.

Senator McCARTHY. The question is, do you have a diary or anything in your office showing who was present?

Secretary STEVENS. Yes, I got this information from the records in the office. That is how I can tell you exactly who the 21 people were.

Senator McCARTHY. You had no trouble at all being sure that you are accurate about that?

Secretary STEVENS. That is right.

Senator McCARTHY. I am going to ask you to do this, Mr. Stevens, if you will, either this afternoon or night have someone check that diary again and if you want to revise your testimony any further I think you should be entitled to do that before it goes to the Justice Department.

Secretary STEVENS. Very good. We will check it again.

Senator McCARTHY. Good.

Mr. Chairman, I had not planned on going into the matter of Zwicker. However the Secretary has stated a number of times that Mr. Zwicker was abused, which is a statement that I cannot very well let pass unchallenged.

Senator MUNDT. The Chair would suggest if he has something to say, in response to that, that when he resumes the stand and makes his preliminary statement, if he cares to, or under interrogation of his own counsel, which will be available to him, if he cares to answer that specific statement by the Secretary that would be in order; not now.

Senator McCARTHY. Mr. Chairman, the Secretary has made a statement here. I think I should have the right to cross-examine on that. The reason I wanted to inform the Chair of this is because I normally would not feel this was the proper proceeding.

We have the testimony of Mr. Zwicker here. Mr. Zwicker played a fairly important part, as the Chair knows, in the course of events which culminated in the charges made against Mr. Cohn. I would like to ask him a few questions, keeping them as brief as we can.

Did you get an affidavit from Mr. Zwicker, Mr. Secretary?

Mr. JENKINS. Mr. Chairman, may I say this?

Senator MUNDT. Counsel?

Mr. JENKINS. I regret very much that all parties who are testifying, all parties who are questioning, are from time to time making gratuitous statements which constitute charges of fraud, of unfairness, and of abuse, and which are in nowise responsive to the questions asked. I observed in the Secretary's answer to Senator McCarthy's question, and I appreciate the fact that the Secretary undoubtedly is exhausted physically and mentally, that he made a statement which was in nowise responsive to the question asked, that Senator McCarthy had abused General Zwicker. That is a charge, perhaps a serious charge. Other charges have been made here which are more serious.

I foresaw trouble at the time that statement was made. In view of the fact that Senator McCarthy has been accused of abusing General Zwicker, it may be that the Senator is entitled, certainly to some extent, to go into the facts and have that question resolved as to whether or not he did abuse General Zwicker.

May I make this suggestion: That the Secretary omit or delete or retract that statement about abuse. Perhaps that will avoid going into the question of whether or not such a thing did occur. I appreciate the fact that it has already gone out over the radio, television and all that sort of thing, but that is just what is occurring here, and that is, in my mind the principal thing that is unnecessarily prolonging these hearings. Am I right or am I not right, Mr. Chairman?

Senator MUNDT. I think the counsel is eminently right. I was a little bit worried when I heard that word "abuse." I know that involves another and a different controversy which has been running on

between certain elements in the Army and certain elements on our committee. But the Chair does hope we can keep these hearings to the particular issues in controversy. I recognize the merit of what the counsel says. If the charge is made that the Senator abused General Zwicker, naturally the Senator from Wisconsin would want to interrogate him about the charge. I don't know, Mr. Secretary, I am sure you didn't intend it as a charge at this time. You have said that in many other places and many other times. I think the country knows your position on the General Zwicker incident, and I think it knows Senator McCarthy's. I wonder if it would be satisfactory for the purpose of this record if we would just agree among ourselves that that was not considered to be a charge at this time, when it was brought into this controversy, that it was simply a restatement of the position you had stated previously and I believe that Senator McCarthy responded to previously.

Secretary STEVENS. The reason, Mr. Chairman, that it came in was because there had to be—in answering Senator McCarthy's previous questions involved the matter of what was this all about, why was I preparing the statement, on what subject. And I thought, in order to be fully frank with the committee that I would give you all the facts connected with it.

Senator MUNDT. I understand that.

Secretary STEVENS. That is the reason it went in. As far as expediting this hearing is concerned, I of course am anxious to do that, too, and willing to cooperate in any way that you suggest along that line.

Senator MUNDT. Senator McCarthy, could we resolve it this way: Could we assume for the purpose of this record in these hearings that there was no new element of charge in what the Secretary said about the abuse of General Zwicker? He has said that many times before, you have answered him many times before, and it is not a part of this particular controversy to determine whether or not such abuse has occurred.

Senator McCARTHY. Mr. Chairman, the Secretary has made the statement, I think, 7 or 8 times in the course of his testimony, that I abused the general. If that were the only thing in this case, I would say yes, let's not waste any time on it and make the Zwicker case a part of the record.

However, I would like to question the Secretary as to what steps he took to notify Senators about the Zwicker case, what efforts he used in using Zwicker in trying to get us to call off the subpenas of those responsible in the Peress case. That makes it, I believe, a rather important incident, and that is in our specifications also.

Senator MUNDT. Let us not go into a restatement of the Zwicker testimony and the Zwicker controversy, because, after all, we are not called upon to adjudicate that. I understood that you were going to refer to that part that was in your specifications. It is there, as to whether or not the case itself was used in an effort to get the hearings called off. That is quite different from going into whether or not you agree.

Senator McCARTHY. Mr. Secretary, in previous discussions you understand the purpose of this line of inquiry now, I assume. Did you get an affidavit from General Zwicker at one time?

Secretary STEVENS. I did.

Senator McCARTHY. How widely did you distribute that affidavit?

Secretary STEVENS. I didn't distribute it at all, that I recall.

Senator McCARTHY. Well, to who all did you send it to?

Secretary STEVENS. I didn't send it to anybody that I recall. I think that General Ridgway and Mr. Adams and probably 3 or 4 other people might have seen it, but it certainly wasn't distributed.

Senator McCARTHY. When I talked to you about the Zwicker matter originally, did I suggest to you that you just keep your feet on the ground and wait and read the testimony, that you had all weekend to do that, and we weren't calling Zwicker until the following Tuesday and that the testimony would be sent to you?

Secretary STEVENS. You were pretty emphatic, Senator, may I say.

Senator McCARTHY. The question is didn't I suggest to you before you went off half-cocked that you read the testimony, something to that effect? Isn't that roughly our language? You had it monitored, so I assume you know.

Secretary STEVENS. What is that?

Senator McCARTHY. You had it monitored, didn't you, so you should know?

Secretary STEVENS. That is right.

Senator McCARTHY. Have you got that monitored conversation?

Secretary STEVENS. I don't have it here.

Senator McCARTHY. But you can get it and refresh your recollection, can't you?

Secretary STEVENS. I could.

Senator McCARTHY. Let me ask you this: Without using that monitored conversation, do you now know that I did suggest to you that you keep your feet on the ground, read the testimony, not get excited about it until you read the testimony, and talk to Mr. Rainville and talk to Mr. Jones, who were present at the time? I told you that you had all weekend to do that, that he wouldn't be called back until Tuesday, isn't that correct?

Secretary STEVENS. I recall part of that, not all of it, by any means.

Senator McCARTHY. Roughly that?

Secretary STEVENS. I know that you were, Senator, highly displeased with the idea that I had ordered General Zwicker not to appear at a hearing on the following Tuesday morning at 10 o'clock. And you so stated, and it was made very clear to me that you thought I was doing this wrong.

Senator McCARTHY. I pointed out to you that you had no right to order him not to appear, that he would have to appear, and that then, if he were asked any questions, the answers to which would violate Army regulations or violate any law, then he could refuse to answer, but he would have to honor the subpoena. That is what I told you.

Secretary STEVENS. I don't think that was in the conversation.

Senator McCARTHY. Wasn't that roughly the conversation?

Secretary STEVENS. I don't think so.

Senator McCARTHY. Let's get back to the affidavit; you got an affidavit from Zwicker?

Secretary STEVENS. That is right.

Senator McCARTHY. That was sworn to, was it not?

Secretary STEVENS. Yes, sir.

Senator McCARTHY. Did you compare that affidavit with the sworn testimony later?

Secretary STEVENS. Not in detail. I turned my attention to the transcript when it was published.

Senator McCARTHY. You sent a copy of that, did you not, by air-mail to Colonel McCormick who was down in Florida at the time?

Secretary STEVENS. Sent a copy of what?

Senator McCARTHY. The affidavit.

Secretary STEVENS. I did not.

Senator McCARTHY. Did you call him and read the affidavit to him?

Secretary STEVENS. I did not.

Senator McCARTHY. You are sure you didn't send a copy of the affidavit—

Secretary STEVENS. I did not.

Senator McCARTHY. Let me get it straight so it is in the record. Did you not at any time send a copy of the Zwicker affidavit or a résumé of it—please include that, a résumé of it—to Colonel McCormick?

Secretary STEVENS. I did not.

Senator McCARTHY. Did you take that affidavit to any of the Senators who are sitting at this table?

Secretary STEVENS. No, I don't think I did. I went up and saw—could I make a brief statement to get these facts on the table?

Senator McCARTHY. I would have no objection.

Senator MUNDT. May the Chair simply admonish you not to get into any new phases of controversy. If you make a statement about the controversy in issue that is all right.

Secretary STEVENS. I want to be responsible to Senator McCarthy's question. I don't want to prolong the thing, but I do want to give the facts on it.

Senator MUNDT. You may make the statement.

Secretary STEVENS. When I first heard about the Zwicker case on the morning of the 19th of February following the testimony on his appearance before the committee the previous afternoon, I came over on the Hill that afternoon. Senator McCarthy was out of town. I would have gone to him first if he had been there. I decided I would call on each member of this committee who was available, and I did so do, and every one was available except Senator Jackson and Senator McCarthy.

I explained to them what had happened in the Zwicker case hearing the previous day in New York. I advised the few Senators that I did not think I ought to be called upon to stand for the abuse of Army witnesses, that I felt this witness had been abused and I was not going to have him appear at the hearing on Tuesday.

The reaction of the Senators, I think I could summarize by saying, was that if what I said was true, and I take it they didn't have any way of knowing at the time except what I was telling them, then they quite agreed that there should not be abuse of witnesses. There wasn't any argument about it.

I came over to forewarn the members of the committee of the action I contemplated in regard to General Zwicker. I continued to try to

get hold of Senator McCarthy on the phone. He was holding hearings in upper New York State and I reached him on Saturday morning about 9:30, as I recall, and I explained to Senator McCarthy why I was calling him, that I had ordered General Zwicker not to appear, that I wanted him to have all the facts in the matter, that I had gone over on the Hill and had conferred individually with you Senators, and bringing him up to date.

That was the conversation to which Senator McCarthy recently has referred, and he summarized the conversation, part of which I recall and part of which I don't.

Senator McCARTHY. Now will you answer the question, Mr. Secretary?

The question was: Did you take the Zwicker affidavit to any of the Senators?

Secretary STEVENS. I don't think I had it at that time, Senator, so I am pretty sure I didn't have it with me.

Senator McCARTHY. Did you at any time take the Zwicker affidavit and show it to any Senators who are at this table or any other Senators?

Secretary STEVENS. I don't think I ever have.

Senator MUNDT. The Senator's time has expired.

Mr. Counsel?

Mr. JENKINS. I have been asked, Mr. Secretary, to ask you to identify—is it Colonel McCormick?

Senator McCARTHY. Colonel McCormick.

Mr. JENKINS. Will you identify him, please? I was busy and did not hear the question and did not hear your answer in its entirety. I heard no reference to a Colonel McCormick but evidently you did refer to him.

Senator McCARTHY. I was referring to Colonel McCormick, the publisher of the Chicago Tribune.

Mr. JENKINS. I see. Perhaps I should ask you that question, Senator, instead of the Secretary. He is now identified as Colonel McCormick of the Chicago Tribune, is that correct? The publisher of a newspaper. Very well, I have no further questions, Mr. Chairman.

Senator MUNDT. Senator McClellan, do you have any question? I presume not.

Any Senators to my left?

Senator McCLELLAN. No questions. I went for some fresh air.

Senator MUNDT. If there are no questions by others, Senator McCarthy.

Senator McCARTHY. When I was asking you whether you sent the Zwicker affidavit to Colonel McCormick, you understood I was referring to the publisher of the "Chicago Tribune"?

Secretary STEVENS. That is right.

Senator McCARTHY. Did you call the Colonel or write him in regard to this?

Secretary STEVENS. I never did anything, Senator McCarthy, in regard to the affidavit which you are asking about. I sent Colonel McCormick a wire quoting the public release that I made from the Pentagon on Sunday, the 21st of February, and I sent him a telegram quoting the release.

Senator McCARTHY. Did the public release contain excerpts from this affidavit?

Secretary STEVENS. No, sir.

Senator McCARTHY. It did not. Did you call the colonel, also?

Secretary STEVENS. No, sir.

Senator McCARTHY. The only contact you had with him was this wire?

Secretary STEVENS. That is right.

Senator McCARTHY. Where is the affidavit as of today?

Secretary STEVENS. The affidavit is over in my office, I presume.

Senator McCARTHY. When you said you went down and you gave the Senators a story about what happened during the Zwicker testimony——

Secretary STEVENS. Yes, sir.

Senator McCARTHY. Did you first take the time to read the testimony?

Secretary STEVENS. It was not available to me.

Senator McCARTHY. Was this the day after Zwicker testified?

Secretary STEVENS. That is right.

Senator McCARTHY. Did you call anyone to try to get a copy?

Secretary STEVENS. It was an executive session, and I had not seen it. It took place on Thursday afternoon, and this is Friday morning we are talking about.

Senator McCARTHY. You know that all executive testimony was made available to you. The question is, before you went down to tell the Senators what happened, did you call anyone, the official reporter——

Secretary STEVENS. No, I did not call him.

Mr. JENKINS. Mr. Chairman, I desire at this time to make a ruling which I hope the committee will accept. It is now my considered opinion that the merits of the General Zwicker case constitute a collateral issue. The Secretary of the Army has said that General Zwicker was abused. Senator McCarthy has said that he was not abused. I do not think it proper, after further consideration, for this committee to allow proof to be introduced with reference to the General Zwicker case and with reference to whether or not anything Senator McCarthy might have said to him or about him was proper or improper, my ruling being based upon my conclusion now that it is entirely a collateral matter and that we should proceed to investigate the pertinent issues involved in this investigation.

Senator McCARTHY. Mr. Chairman, I may say that while I do not agree with the ruling, I do not think the Zwicker matter, this phase of it, is sufficiently important to take any more time. So I will not question the suggested ruling.

Mr. Chairman, in view of the fact that there is an affidavit made by General Zwicker, that the press release put out by Mr. Stevens' office would indicate that that affidavit is contra to the sworn testimony of General Zwicker, if this is true—and I have never seen the affidavit, you understand; all I have seen is the press release on it—then Mr. Zwicker signed a false affidavit.

Mr. JENKINS. I object to that, Mr. Chairman.

Senator McCARTHY. Let me finish.

Mr. JENKINS. Very well.

Senator McCARTHY. I am therefore asking that the affidavit be supplied to the committee. Let me make it very clear. I do not know

what is in the affidavit. I have never seen it. I have asked Mr. Stevens for it repeatedly. All I can go on are the press releases.

If he did sign a false affidavit, that would be one reason why the Secretary has been trying to call off these hearings, because we told him we were calling Mr. Zwicker back again to check with him on this particular matter of the affidavit. This would have to do with motive. So I ask the Chair to call for that affidavit and have the staff compare it with the sworn testimony.

Mr. JENKINS. Are you calling for the affidavit, Senator McCarthy?

Senator McCARTHY. I am asking—

Mr. JENKINS. That it be produced and introduced here in evidence?

Senator McCARTHY. Not introduced, Mr. Jenkins, but produced and given to you so you and your staff can check the sworn affidavit with the sworn testimony. It bears upon the question of motive.

Mr. JENKINS. Will you do that, Mr. Secretary? We think that is entirely proper.

Secretary STEVENS. Surely. I also would like to say that I have no recollection of Senator McCarthy's ever having asked me for that affidavit.

Senator MUNDT. It will be produced and turned over to counsel.

Senator McCARTHY. Mr. Secretary, I think every one here has been talking about expediting the hearings. We spent a great deal of time talking about how we were going to expedite them. Your counsel the other day, and I understood he speaks for you; is that correct?

Secretary STEVENS. My counsel?

Senator McCARTHY. Your counsel speaks for you, does he?

Secretary STEVENS. Yes, sir.

Senator McCARTHY. The other day, on page 1370, he said this:

I would say this: that if the hearings take the course that I suggest, first the Secretary, and then the Senator, I would either be content to let the case rest on those two witnesses, although that would give us a somewhat abbreviated hearing, or at most we would wish to call but two more.

Taking this suggestion of his that he was willing to let the case rest on those two witnesses, at that time did you agree with him?

Mr. WELCH. Mr. Chairman, the Senator has read only a portion—

Senator MUNDT. Have you a point of order?

Mr. WELCH. I have, because if the Senator is going to refer to what I said, he should read all of it.

Mr. JENKINS. Mr. Welch, you are entitled to cross-examine on that point. I think the Senator's question is a full question. The question now is whether or not you represent him—of course, that is a foregone conclusion. You speak for him, that is a foregone conclusion, and he is asking your client now whether or not at that time, at the time you made that statement, the Secretary agreed with you or was willing for that formula to be adopted. I see nothing wrong with that.

Mr. WELCH. But, Mr. Chairman, the formula is 3 paragraphs long, not 1 paragraph.

Mr. JENKINS. He read one sentence. You are entitled to further cross-examination.

Senator MUNDT. If the counsel feels his client cannot answer the question without the full three paragraphs, I suggest they be read, but

it is not going to shorten the hearings. However, we want to have all the facts out. Would you read the full statement of Mr. Welch?

Senator McCLELLAN. Mr. Chairman, a point of order.

Senator McCARTHY. Mr. Secretary, could I suggest you have before you page 1370. If you feel I have done violence to the context, let me know, will you? Have you got it before you?

Senator McCLELLAN. Mr. Chairman, a point of order.

Senator MUNDT. Senator McClellan?

Senator McCLELLAN. We have been over this more than once and everyone has expressed their opinions about it, and all of their opinions and views are in the record. Must we go over it again? The hearings are proceeding and this is not calculated to expedite them but only to bring out a repetition.

Senator McCARTHY. I am not questioning the Secretary about this.

Senator MUNDT. I don't believe the Secretary has been asked any questions about it. The rest of us engaged in a roundtable colloquy one day, but the Secretary did not attend the meeting. He was invited but did not attend.

Senator McCLELLAN. His attorney has spoken for him. Are we going to question everybody whether they agree with their attorney, whether the attorney is authorized to speak for them? Are we going to drag these hearings out to that extent? We accept counsel as his attorney. His attorney has spoken for him and this has been gone over in the record, over and over again. It can do nothing but delay the hearings. It will throw no light on any issue before this committee. I object to it, Mr. Chairman.

Senator McCARTHY. Mr. Chairman?

Mr. JENKINS. Mr. Chairman, may I say this: As best I remember, this is the first time that the Secretary has been asked whether or not he assented or consented to such a formula. I can see no possible point in interrogating the Secretary with reference to that matter except to shed light on the frame of mind of the Secretary as to whether or not he desires to present all of his evidence or have his evidence at the conclusion of his testimony, and whether or not he desires all of the evidence on the Senator's side to be presented or would be content for only a part of it.

The only possible relevancy of it would be on the question of motive or the frame of mind of the Secretary. And for that purpose only, it seems to me, and I do believe and hold that the Senator is entitled to ask that one simple question, get an answer from the Secretary, and not pursue that matter any further.

Senator SYMINGTON. Point of order, Mr. Chairman.

Secretary STEVENS. Mr. Jenkins, I testified the other day that I wanted all the facts in this case brought out from all the witnesses and I stand on that.

Mr. JENKINS. Yes, sir.

Senator SYMINGTON. A point of order, Mr. Chairman.

Mr. JENKINS. I think he has answered the question now and I don't think it should be pursued any further. He wants all of the evidence on both sides introduced.

As far as counsel for the committee is concerned, I am in accord with you, Mr. Secretary.

Secretary STEVENS. Thank you, sir.

Senator MUNDT. A point of order has been raised by Senator Symington.

Senator SYMINGTON. I believe that the point of order may have been disposed of.

Senator McCARTHY. Mr. Chairman, may I say the reason why I propose to ask the Secretary questions on this point is for this reason: As the Chair knows, the principal contention made by me, and Mr. Cohn and Mr. Carr, is that the two men in the military, the civilians, Mr. Stevens and Mr. Adams, have followed a deliberate course of trying to keep this committee occupied in this hearing, starting in the first place with making their charges and now a continuation of it. I propose to go into this, Mr. Chairman, to show that as of now, Mr. Welch objects to Saturday hearings, to expedite the hearings, that there was bad faith at the time Mr. Welch made this original offer, that he accepted—let me finish—that we accepted that offer.

I didn't make it, but we accepted that. He said he was speaking for the Secretary. The Secretary did not attend the meeting. I would like to know why the change of heart overnight in order to prolong the hearing.

If that were a reasonable—let me finish, please—I am not saying that it was or was not, but if that were a reasonable agreement, made the night before, the offer by Mr. Welch, the acceptance by me, in fact I went a step further and I said I would dismiss Mr. Stevens from the stand and take it myself the following morning if that were a good way of disposing of the matter that night. I would like to know who decided between 6 o'clock at night and 9:30 the next morning that they should not follow that course proposed by Mr. Welch, but should follow a course that will prolong the hearings indefinitely.

I think that sheds light upon the other issues. But if the Chair doesn't agree, I will not pursue that any further.

Senator MUNDT. The Chair believes that the Secretary has answered the Senator's question, and Mr. Welch has a right to withdraw any offer that he might have made, and we do not believe it is a proper function for the committee to investigate as to any reasons which might have changed his mind, if change his mind he did.

Mr. JENKINS. Mr. Chairman, may I be heard upon that?

Senator MUNDT. Mr. Jenkins.

Mr. JENKINS. In the interest of fairness, Senator McCarthy now introduced a new thought. It is my opinion that Senator McCarthy—if I may, I will ask the question.

Mr. Secretary, this is the thought, apparently, motivating the last question by Senator McCarthy, and I will ask it.

Senator SYMINGTON. Mr. Chairman, I would like to raise a point of order.

Senator MUNDT. The Chair suggests that you wait until the counsel asks the question.

Senator SYMINGTON. I would like to raise it now, I would like to raise it before the counsel's question, not against it.

Senator MUNDT. Very well.

Senator SYMINGTON. Mr. Chairman, I believe that if a question is asked on part of the evidence which has been read by Senator Mc-

Carthy, and the counsel for the Secretary of the Army says that in effect it has been taken out of context because it is not the entire story, then prior to the question being rephrased, and thereupon reasked the Secretary of the Army, the counsel for the Secretary of the Army should have the right to present the details of the case as he sees it by reading all the testimony he gave bearing on the question and not having read just part of it by the Senator from Wisconsin.

Senator MUNDT. If the question of counsel deals with the quotation that the Senator refers to, the Chair will uphold his point of order and suggest that it be read in full. But the Chair cannot rule on the points of order of a question which has not yet been asked. You may ask the question.

Mr. JENKINS. Mr. Secretary, you have been asked and I now ask, whether or not you have sought to prolong this hearing for the purpose of curbing or curtailing the efforts of Senator McCarthy and his staff in their investigations of Communists and infiltration of Communists in the Army and particularly whether or not you may have, and I do not suggest that you have or have not, repudiated any agreement made by your attorneys, looking to the shortening or termination of this hearing, and for the purpose expressed in the first part of my question. Do I make it clear?

Secretary STEVENS. Yes, sir, and the answer is positively not.

Mr. JENKINS. All right.

Senator MUNDT. The answer is in the negative. The Senator from Wisconsin will proceed on some other line of interrogatory.

Senator McCARTHY. I did not understand the answer. You say, no, you did not repudiate Welch's agreement.

Secretary STEVENS. Positively not.

Senator McCARTHY. Then I would like to know, did he discuss the agreement with you?

Mr. WELCH. Mr. Chairman, I would like a firm rule from the Chair that this should be inquired into no further. It was stated in this room by me that we have set our hands to the plow to plow the long, hard furrow. I suggest that if these hearings are moving slowly, it is because of the tactics of the Senator from Wisconsin at the far end of the table. For days I have passed when I have been given the opportunity to ask questions. For days the committee members have passed when given that opportunity. I suggest that it is time the country heard this simple thought: that the Senator is now engaged in a filibuster by the device of cross examination.

Senator MUNDT. Now you are testifying, Mr. Welch, not raising a point of order.

Senator McCARTHY. Mr. Chairman, I think this is an important question, the repudiation of the agreement. I do not question Mr. Welch's right to repudiate it.

Mr. WELCH. Mr. Chairman, there was no agreement, and every member of this committee knows there was no agreement.

Mr. JENKINS. Mr. Chairman?

Senator MUNDT. Mr. Jenkins.

Mr. JENKINS. The Secretary has been asked the one question only with respect to any alleged repudiation of the agreement that could possibly be germane to the issues in this controversy; to wit, did he or not repudiate an agreement, and I do not imply that he did or did

not, for the purpose of prolonging this inquiry, and thus curbing or hamstringing the efforts of Senator McCarthy in his quest of Communists or subversives. His answer was definitely in the negative, and I think that the inquiry should now be entirely discontinued on that subject and pass to another subject.

Senator MUNDT. The Chair believes that is an entirely proper position. The Senator from Wisconsin has been permitted to ask relevant questions in that connection, and the Chair has stated that the committee has no disposition to place counsel under oath for any purposes involving what may be his type and suggestion for conducting the hearing. He has a right to his own opinion.

Senator McCARTHY. Mr. Chairman, Mr. Stevens has stated in answer to Mr. Jenkins' question that he did not repudiate the agreement to shorten the hearings.

Senator MUNDT. That is correct.

Senator McCARTHY. I think I am entitled to ask him whether or not he discussed that agreement with counsel, whether counsel had taken it upon himself to do it.

Senator McCLELLAN. Mr. Chairman?

Senator McCARTHY. Let me finish, please.

Mr. Chairman, I think this is very important because that decision, whether it was wisely or unwisely made, will prolong the hearing several months. I think that we should find out when the Secretary says he did not repudiate the agreement—I would like to know who did, whether there was a change of heart on the part of Mr. Welch. I think that is a perfectly proper line of inquiry.

Senator MUNDT. Senator McClellan has a point of order.

Senator McCLELLAN. Mr. Chairman, I remember a little elementary rule of law. Conversations and information gained or expressed as between client and attorney are privileged. Am I correct, Mr. Counsel?

Mr. JENKINS. Entirely so, Senator McClellan.

Senator McCLELLAN. Let's proceed with the hearing.

Senator MUNDT. The Chair will consequently uphold the point of order. I think it is very analogous to the one he upheld yesterday about the relationship between investigators and informants.

You will proceed.

Senator McCARTHY. Mr. Chairman, if Mr. Stevens wants to claim the privilege, he is entitled to do it, but I do not believe that the privilege can be accorded him unless he claims it any more than you can afford a fifth amendment privilege. I think it is a very important question if he discussed this agreement with Mr. Welch. If he wants to claim the privilege, all right.

Senator JACKSON. A point of order, Mr. Chairman. I have been sitting here listening to the agreement. If we are going into this, I want to ask counsel about another elementary rule of law. I suggest that we proceed, then, if we are going to follow down this diverse track, away off the track, to establish first whether agreement existed. I think that is proper.

Mr. JENKINS. Is that a question?

Senator JACKSON. It is a point of order directed to the question.

Mr. JENKINS. It is a question to me?

Senator JACKSON. Yes.

Mr. JENKINS. Senator Jackson, the record speaks for itself. The record is in writing in a transcript. I do not feel that it is my prerogative to interpret it. This committee must do so.

Senator JACKSON. My only point is, I assume if there are any agreements, the committee has to pass on them. I just wonder what the agreement is. It is a unilateral statement, but isn't there some rule about acceptance in contracts?

Mr. JENKINS. Senator Jackson, answering that, Senator McCarthy alleges that Mr. Welch made an agreement, made a proposition for the shortening or curtailment or the discontinuance of this hearing. Senator McCarthy further alleges that he accepted it, that an agreement was made. As I understand it, Mr. Welch denies that. Any further inquiry with respect to that matter is wholly immaterial and an unnecessary consumption of time.

Have I made myself clear, Senator Jackson?

Senator JACKSON. I just want to say, of course the committee decides on the approval of agreements, I hope. Otherwise, we would not know what is going on. Counsel cannot decide that.

Mr. JENKINS. Certainly counsel cannot decide.

Senator JACKSON. I meant you as counsel, but I mean counsel for the Army.

Senator MUNDT. Senator McCarthy will proceed in order.

Senator McCARTHY. Mr. Secretary, I would like to hand to you a paper with six names on it.

Mr. Counsel, Mr. Chairman, I am handing the Secretary a list of six named individuals who are——

Senator MUNDT. The Chair cannot hear the Senator.

Senator McCARTHY. I just handed the Secretary a list of six names, individuals in the Pentagon, according to Pentagon authority, who have been ordered produced before the day the charges were made public against Mr. Cohn, myself, and Mr. Carr. I think it would be improper to have those names made public at this time. The rule of the committee has been that names in executive session named are not made public until they are allowed to appear. Hence, the reason for handing him the names and not reading them off.

Mr. Stevens, you told us the other day that one of the reasons you wanted the hearing suspended was so that you could go ahead yourself and do the job of exposure.

Senator MUNDT. We are talking now Mr. Secretary, I believe, about the hearings at Fort Monmouth. Let us be sure about that. Is that right? Not the hearings here.

Senator McCARTHY. Let us rephrase it. Was it your testimony that you wanted all hearings in Communist infiltration in the Army called off so you could do the job yourself?

Mr. WELCH. Mr. Chairman, this must have been gone into at least six times. I don't think it need be gone over again. I call for a ruling from the chair.

Senator MUNDT. I think that question has been asked and answered and will be found in the record. The point of order is upheld.

Senator McCARTHY. Mr. Cohn will proceed.

Mr. COHN. Mr. Secretary, is it not a fact that the day before this report was issued a list was sent over to Mr. Adams to your knowledge, containing the names of additional Communists?

I had better withdraw that and say: A list was communicated to Mr. Adams either in writing or telephonically containing six names of Communists in the military and that we asked for the production of those people before this subcommittee?

Mr. WELCH. Mr. Chairman, I do not understand what Mr. Cohn refers to as this report. Do you mean——

Mr. COHN. I am referring to the Army events making charges against Senator McCarthy, Mr. Carr, and myself, which have brought to a halt the work of our committee and occasioned the presence of all of us in this room, sir. The report of March 11, 1954, purporting to be a chronological account of events, some 34 pages long. That is the matter to which I refer.

My question to the Secretary, Mr. Welch, is whether or not he knows that the day before that report was released the Secretary's office was asked to produce before this committee six additional Communists then currently in the military?

That is my question to the Secretary.

Secretary STEVENS. Mr. Adams informs me that there was a request made in connection with six people. I don't know whether they were Communists or not.

Mr. COHN. Now, sir, my next question to you is this, Mr. Secretary: Did Mr. Adams likewise inform you that he had told Mr. Carr that, if we would stop the hearings and call no more of these Communists or people who had covered them up, this report would not be issued?

Secretary STEVENS. I never heard any such thing.

Mr. COHN. Did Mr. Adams tell you he had called Mr. Carr and invited him to lunch and taken him to the Methodist Club for lunch a few days before this report was issued?

Secretary STEVENS. I should think that you would ask Mr. Adams these questions. I don't know about them.

Mr. COHN. Sir, I am inquiring about very important matters which——

Secretary STEVENS. I know, but I don't know about them. Why don't you ask the witness?

Senator MUNDT. The witness has said he does not know about them.

Mr. JENKINS. The question is, Did Mr. Adams tell you?

Secretary STEVENS. I have no recollection of Mr. Adams telling me that.

Mr. COHN. All right, sir.

Is it your testimony here, and see if I understand this, that you have no recollection of Mr. Adams telling you of a luncheon meeting with Mr. Frank Carr of our staff a few days before this report was issued?

Secretary STEVENS. I don't remember that at all.

Mr. COHN. You don't remember it?

Secretary STEVENS. No, I do not recall.

Mr. COHN. If Mr. Adams made any representations at that luncheon meeting, was he acting with your permission or without your permission?

Secretary STEVENS. He was acting on his own.

Mr. COHN. He was acting strictly on his own?

Secretary STEVENS. That is correct.

Mr. COHN. In other words, he would have had no authority from you to say that if our hearings were stopped and we asked for no more Communists in the Army or people who covered them up, a report which would be embarrassing to us would not be issued?

Secretary STEVENS. He certainly would have no such authority to speak for me in that way at any time at any place in any lunch room.

Mr. COHN. I see, and he did not discuss with you any communication with Mr. Carr, myself, or Senator McCarthy on this ground; is that right?

Secretary STEVENS. I have answered that question.

Mr. COHN. I see. I just wanted to get that very clear sir, in case there is contrary testimony.

Secretary STEVENS. I have answered that.

Mr. COHN. Very well.

Now, sir, the next question is this: Have you had a chance to confer with your counsel and have they been able to advise you whether there is any provision in the laws of this land which gives immunity from a subpoena to members of the loyalty board of your office?

Mr. WELCH. Mr. Chairman, that I think was the subject of a memorandum—that was the subject of a memorandum which I believe has been delivered to Mr. Cohn this morning.

Mr. COHN. Yes, sir, and I find in that memorandum not one citation or word indicating that there is any such immunity from response to subpoena and that is why, having examined that memorandum I am now, if I may, Mr. Chairman, proceeding to question the Secretary on this field.

Senator MUNDT. Are you asking that the memorandum be made part of the record?

Mr. COHN. That is certainly agreeable with me.

Senator MUNDT. It will be made a part of the record and marked with the proper exhibit number.

(The document referred to was marked "Exhibit No. 14" and will be found in the appendix on p. 822.)

Senator MUNDT. You may proceed with your questioning, Mr. Cohn.

(The reporter read from his notes as requested.)

Senator JACKSON. Mr. Chairman, just for a point of information, there was a question raised or a statement made—I am just trying to get this clear—by Mr. Cohn, that there were no citations in the memorandum.

Mr. COHN. I say, Mr. Jackson, sir, that I read this memorandum and I see in there not one citation giving immunity from physically responding to a subpoena, which was my question to a member of a loyalty board. If I am wrong, sir, I would like to be corrected.

Senator JACKSON. I am referring to citation on page 4. I have not read the language.

Mr. COHN. I see no citations in there.

Senator JACKSON. If there are no citations, I suppose there could not be any, if there are no cases available.

Mr. COHN. I would think there could not be, because none such exists.

Senator JACKSON. Why would the question be asked if there are no citations?

Senator MUNDT. Are you raising a point of order?

Senator JACKSON. The question was most confusing and maybe Mr. Cohn can clarify it.

Senator MUNDT. The Chair would suggest to Mr. Cohn that he read the final paragraph on page 5 in which the Attorney General seems to summarize his position, and ask Mr. Stevens if that is correct or not.

Mr. COHN. Do I understand this is from the Attorney General? I thought it was from Mr. Welch.

Senator MUNDT. I don't know who submitted it, but whoever submitted it it seems to be summarized in the final paragraph.

Mr. COHN. Is this from the Attorney General?

Mr. WELCH. Mr. Cohn, I simply do not know. It is not from Welch.

Senator MUNDT. Mr. Secretary, from whom did you get it and who prepared it?

Mr. COHN. Mr. Chairman, I better say at the outset that this document was given to me by one of Mr. Welch's assistants, in case Mr. Welch is going to make charges about fraudulent charges.

Mr. WELCH. Mr. Chairman, there is no such charge. Mr. Cohn asked to have a memorandum prepared. It was prepared by lawyers at the Pentagon. I am trying the lawsuit and I don't study law at night—

Senator MUNDT. I think the Chair explained at the time the memorandum was requested that probably Mr. Welch and Mr. St. Clair were not the proper ones to do it, but I think the committee is entitled to know who did it.

Secretary STEVENS. I don't actually know. I assume it was prepared in the office of the Department Counsel.

Mr. JENKINS. Mr. Chairman, may I make a suggestion? I think it would be well to get back to the original question, which seems to be simple and proper, and it is this: Have you, Mr. Secretary, had an opportunity to confer with your counsel and receive advice from them as to whether or not there were any directives or laws prohibiting the issuance of a subpoena to be served upon a member of a loyalty board? That is a simple question.

Secretary STEVENS. No, sir; I have not had that opportunity.

Mr. JENKINS. And you have received no advice from your counsel as to whether or not there is such a directive or is such a prohibitory law. Is that correct?

Secretary STEVENS. I haven't even seen this memorandum. We have tried to prepare it and get it in here. I know that this is a subject in which the Attorney General has a great deal of interest. And the matter has been given to him.

Mr. JENKINS. Was not that your question, Mr. Cohn?

Mr. COHN. Yes, sir; and, Mr. Jenkins, I might say this, sir, I would very much like, if I may, to respond to Senator Jackson's question. I think he is entitled to an answer to that.

Mr. JENKINS. Mr. Cohn asked a question of the Secretary, and the Secretary has given a direct answer. I am not trying to cut off anybody from any further questioning, but that question has been answered.

Senator MUNDT. I think Senator Jackson did ask Mr. Cohn a question under a point of order?

Mr. COHN. I think Senator Jackson is entitled to an answer and I hope I can give him one.

Senator JACKSON, the purpose of our asking these questions and the purpose of my raising this point is this:

I fully agree that there is no citation in the law of this land which gives immunity from response to a subpoena to members of the loyalty board. It is our theory, and we hope we will prove it rather rapidly, that the reason that Mr. Stevens and Mr. Adams tried to stop us from calling members of the loyalty board, was because the appearance of those members of the board would prove personally embarrassing to Mr. Stevens and Mr. Adams, in that it would show that members, some members of this board themselves, had records of Communist-front activity and had been consistently voting to clear Communists.

Now, that is the purpose of this line of interrogation. It is cited in our specifications and it is one of our very strongest charges here—

Mr. JENKINS. The Chair has held with you that you are entitled to pursue that, Mr. Cohn.

Mr. COHN. I will now ask you, Mr. Secretary, if you can tell us of any regulation in the law of this land which would give legal authority to the request by yourself and Mr. Adams that members of the loyalty board be held immune from physical response to subpoena?

Mr. WELCH. Objection. That calls for a conclusion of law, Mr. Chairman.

Senator MUNDT. I am sorry. The Chair did not get the question. Will the reporter repeat the question?

(The reporter read from his notes as requested.)

Senator MUNDT. That is a perfectly proper question. You may not be able to answer it. He is not a lawyer, and he can say he does not have the information, if he doesn't have it.

Secretary STEVENS. I am not a lawyer and do not have the information. But I would like to restate that this matter of the loyalty board is something in which the Attorney General has a great interest.

Mr. JENKINS. The question is, Do you know of any regulation; do you know of any regulation governing whether or not a member of a loyalty board is immune from answering a subpoena to appear before the McCarthy committee?

Secretary STEVENS. I don't personally know about that, but not being a lawyer, sir, I just don't feel competent to answer it.

Mr. JENKINS. That appears to be an answer to the question.

Mr. COHN. Mr. Jenkins, I might say, sir, we can move right on if I can get a stipulation from Mr. Welch or any other counsel representing Mr. Stevens that there is no such provision in the law of this land, and I believe that is the indisputable fact.

Senator MUNDT. I do not believe that Mr. Welch—I say this with all respect—I do not believe he is a Washington lawyer or a War Department lawyer, and I don't see how he could give you a curbstone opinion unless he is a lot wiser than I think he is, about all of the laws dealing with the War Department. You can try if you want to.

Mr. WELCH. Mr. Chairman, your appraisal of Mr. Welch is very accurate.

Senator MUNDT. I think if you are going to direct questions to counsel for the Army about Army regulations, that Mr. Stevens would have the right to confer with the military counsel, the regular established military counsel.

Mr. COHN. Mr. Chairman, this was the whole purpose of our deferring this inquiry for 2 or 3 days, to give Mr. Stevens the opportunity to get this information, so that we can show that there was no legal authority for his attempts to stop us from calling the members of the board and go on to show, sir, that he and Mr. Adams tried to stop us from calling these members for other reasons.

Mr. JENKINS. Mr. Chairman, may I state this. As I remember, the Secretary has stated that he did advise members of the loyalty board not to respond to his subpoena. Mr. Cohn's theory is that the McCarthy committee had a right to subpoena members of the loyalty board and have them appear and testify. Mr. Secretary's position was that perhaps it was violative of a directive or of a law. That, therefore, is a legitimate point of inquiry and it is open to proof, and Mr. Cohn or Senator McCarthy would be entitled to proof whether or not there was such a directive or such a law. That is susceptible of proof by others other than the Secretary. The Secretary has answered that he knows of no such restrictions himself or such laws himself, and I suggest that since he has no knowledge of it, counsel for the McCarthy committee resort to other means of establishing that fact.

Mr. COHN. I will proceed to do that right now, Mr. Jenkins. I think that has answered my point.

Mr. Secretary, as Mr. Jenkins has stated, if you now advise us that you know of no such regulation or law, would you please tell us what occasioned you in your attempts to stop this committee from subpoenaing members of the loyalty board which cleared Communists?

Secretary STEVENS. I have testified, Mr. Cohn, that the Attorney General is very much interested in this matter.

Mr. COHN. We are very much interested in it, too, Mr. Chairman, if this board cleared Communists. The question is not whether the Attorney General is interested in it. The question is why Mr. Stevens tried to get us to stop our hearings on members of the loyalty boards.

Senator SYMINGTON. May I make a point of order, Mr. Chairman?

The question, Mr. Secretary, you are not responsive to the question. Twice you have said that the Attorney General was interested in the matter, but you haven't said why. What do you mean by the answer that you just made? What are you getting at?

Secretary STEVENS. The loyalty boards for all of these departments, Senator Symington, presumably must have some general guidelines under which they operate.

Senator SYMINGTON. Are you implying that you are operating now on a guideline from the Attorney General?

Senator MCCARTHY. A point of order, Mr. Chairman. By what rule does Mr. Symington interfere with the questioning by Mr. Cohn?

Senator MUNDT. The point of order is well taken.

It is due to the leniency of the Chair.

Senator SYMINGTON. I would like an answer from Mr. Cohn.

Mr. COHN. I would be very happy to yield a few minutes of my time.

Senator JACKSON. I think a precedent has been established for interrupting witnesses.

Mr. COHN. I will be very happy to yield all the rest of my time to Senator Symington.

Senator MUNDT. The Chair believes that if we engage in the practice of yielding, we will prolong the hearings and not shorten them. If such a precedent has been established, I hope it will be quickly abandoned.

Mr. JENKINS. Senator Symington might have been out of order, but he was asking the very question that had occurred to counsel and I think they are pertinent and may I repeat the question?

Senator MUNDT. Very well.

Mr. JENKINS. Mr. Cohn's question was this, Mr. Secretary, which I regard as a simple question, and that is it is our understanding that you have stated that you know you have no personal knowledge of any Presidential or other character of directive or any law rendering members of the loyalty board immune from answering a subpoena issued by the McCarthy committee. We start out with that as a predicate.

Then, his question is that if those are the facts what was your justification, what was your reason for advising the members of the loyalty board not to respond to a subpoena?

Have I correctly stated your question?

Mr. COHN. I will certainly take that, Mr. Jenkins. You probably stated it better.

Mr. JENKINS. Assuming that you did not know—and Senator Symington asked you this—that you did not know that there was a prohibitive directive or law and assuming that you had advised a member or members of the loyalty board not to appear, why did you do that?

Secretary STEVENS. I didn't, as I recall it, personally take any action in regard to this matter. It is all more or less secondhand with me. We can produce testimony that will be firsthand for you and would like to do so. But I do know that we are trying to coordinate our policy in the Department of the Army through the Attorney General with the policies affecting all loyalty boards in all departments, and we have been guided accordingly.

Mr. JENKINS. Mr. Secretary, I will ask it another way: Why did you or any member under your command, any of the personnel in your command, issue an order to any member of the loyalty board not to respond to such a subpoena?

Secretary STEVENS. I thought I answered that, Mr. Jenkins.

Mr. JENKINS. If that is your answer, then I have no further questions.

Secretary STEVENS. Yes, it is.

Senator MUNDT. Mr. Cohn.

Mr. COHN. Is it my time again, sir?

Senator MUNDT. I think so. Nobody has advised the Chair the time is up.

Mr. COHN. Senator, do you want any time?

Senator SYMINGTON. I appreciate that very much, counsel.

Senator MUNDT. The Chair will repeat we will not follow the senatorial practice of yielding time.

Mr. COHN. Very well.

Mr. Stevens, is it not a fact, sir, that from the very early stages of our investigation, going back to October, you felt it would be personally embarrassing to you if this committee exposed the fact that members of your loyalty board had been clearing Communists?

Secretary STEVENS. No, sir.

Mr. COHN. Did you not ever make such a statement to Senator McCarthy or to me?

Secretary STEVENS. I never did.

Mr. COHN. Did you have any telephone conversations with me about that from your home?

Secretary STEVENS. I don't recall any.

Mr. COHN. Do you recall, sir, having any telephone conversations with me from your home concerning possible embarrassment to you in the calling of a member or members of the loyalty board which had cleared Communists?

Secretary STEVENS. I do not recall that.

Mr. COHN. Do you recall any telephone conversations you had with me from your home concerning the calling of members of the loyalty board and the manner it would be treated in the press?

Secretary STEVENS. I don't recall that, Mr. Cohn.

Senator MUNDT. Mr. Cohn's time has expired. Does counsel have questions?

Mr. JENKINS. No further questions.

Senator MUNDT. The Chair has one he would like to ask in line with this memorandum which has been entered as an exhibit coming from the legal department of the War Department. I would like to read, Mr. Secretary, this final paragraph. I think this will clear it up. Then I will ask you to have your regular legal talent, as divorced from your special legal talent for these hearings, your regular legal talent in the War Department at the Pentagon find any flaw, if there be one, with this paragraph, because if this paragraph is correct as quoted from your memorandum, it seems to me it answers the questions Mr. Cohn has been asking. The final paragraph, page five:

To this statement, Mr. Brownell added one qualification. He—
meaning Brownell—

stated that if a congressional committee indicated a bona fide intention to interrogate security board members about fraud or misconduct in the performance of their official duties, the board members would probably be required to respond to subpoenas, although they should be instructed to refuse to answer any question relating to their participation in the loyalty program.

Mr. COHN. We will take that statement.

Senator MUNDT. You have a copy of this, I presume. I think you should have your legal department find out whether that does correctly summarize the situation or not, and then the committee will know and we can go on with expediting the hearings.

Counsel would like to call to the stand Mr. Collier.

Mr. JENKINS. Mr. Bob Collier, if that is satisfactory.

Senator MUNDT. For the purpose of reading the Attorney General's report on the legality of the procedure. You may step down, Mr. Stevens, and Mr. Collier will take the stand.

We will immediately recess, the Chair will add, after the reading of the letter from the Attorney General, or the exchange of correspondence with the Attorney General.

Mr. Collier was unsworn yesterday, and he will have to be sworn again. Do you solemnly swear the testimony you are about to give will

be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. COLLIER. I do.

Mr. JENKINS. Mr. Chairman?

Senator MUNDT. Mr. Jenkins.

TESTIMONY OF ROBERT A. COLLIER

Mr. JENKINS. Mr. Chairman, I would like to ask at this time that my assistant counsel, Mr. Prewitt, interrogate the witness.

Senator MUNDT. Mr. Tom Prewitt will take over as counsel for the committee and interrogate Mr. Collier.

Mr. PREWITT. Mr. Collier, at the instance of the committee, did you on yesterday deliver the two and one-quarter page reported copy of a memorandum from the Federal Bureau of Investigation to the office of Mr. Herbert Brownell, with the request that he give this committee an opinion on the question of whether or not that information could be released publicly?

Mr. COLLIER. I did. At approximately 5:15 yesterday afternoon, I delivered a letter from Senator Mundt together with the two and one-quarter page document, which I personally handed to Mr. Robert Minor, Assistant to the Deputy Attorney General.

Mr. PREWITT. Do you have an opinion in writing from Mr. Brownell?

Mr. COLLIER. I do. It was delivered at approximately 12 o'clock today.

Mr. PREWITT. Will you read it?

Mr. COLLIER. This is a letter——

Senator McCARTHY. I wonder if we can first have Mr. Mundt's letter so we can understand what the answer is.

Senator MUNDT. You may read my letter of transmittal first.

Mr. COLLIER. Mr. Prewitt has that.

Mr. PREWITT. This letter is dated May 5, 1954, and addressed to the Honorable Herbert Brownell, Jr., United States Attorney General, Department of Justice, Washington, D. C.

As Chairman of the Special Investigating Subcommittee and by its direction, I request your opinion as to whether or not the contents or any part thereof can be released by this committee to the public of the following documents:

1. A 15-page interdepartmental memorandum dated January 26, 1951, from John Edgar Hoover, Director, Federal Bureau of Investigation, to Major General A. R. Bolling, Assistant Chief of Staff, G-2, Department of the Army, The Pentagon, Washington, D. C.—Subject: Aaron Hyman Coleman, Espionage—R. This document was classified "Confidential."

2. A 2¼-page letter dated January 26, 1951, from J. Edgar Hoover, Director, to Major General Bolling, Assistant Chief of Staff, G-2, Department of the Army, Washington, D. C. This document was classified "Personal and Confidential." This document was furnished to the committee on May 4 by Senator Joseph R. McCarthy and is being furnished to you for your perusal by the bearer of this letter, Mr. Robert A. Collier, Assistant Counsel of the Special Investigating Subcommittee.

Your expeditious attention to this matter will indeed be appreciated.

With best wishes and kindest personal regards, I am

Cordially yours,

Signed "Karl E. Mundt."

(The above letter was marked "Exhibit No. 15.")

Mr. COLLIER. The Communication from the Attorney General is on

the letterhead of the Office of the Attorney General, Washington, D. C., dated May 6, 1954:

Hon. KARL E. MUNDT,

United States Senate, Washington, D. C.

MY DEAR SENATOR: Upon receipt of your letter of May 5, I inquired concerning the fifteen-page memorandum referred to therein, and was advised that under date of January 26, 1951, a fifteen-page memorandum was addressed to Major General A. R. Bolling, Assistant Chief of Staff, G-2, with a copy to Major General Joseph F. Carroll, Director, Special Investigations, the Inspector General, USAF, by Mr. J. Edgar Hoover, Director of the FBI. This memorandum is classified "Confidential", which means, under existing law that its contents must not be disclosed "in the best interests of the national security." It was delivered by hand to the appropriate officials of the Air Force and the Army.

I inquired further to determine whether or not the Federal Bureau of Investigation or any person on its behalf had ever authorized the delivery of this memorandum to others and was advised that the FBI has never released or authorized the release of the memorandum or any portion thereof to anyone except as above stated.

The question as to whether or not this memorandum can now be declassified and made public has been presented to me by your letter.

The FBI has a duty as the principal intelligence agency of the Government, operating within the United States and territorial possessions, to call to the attention of other agencies of the Executive Branch of Government information of interest to such agencies. This is particularly true insofar as the investigative and intelligence branches of the Armed Services are concerned. The Director of the FBI and other intelligence and investigative agencies must be free to exchange information, one with the other, without the fear that information of a classified nature will be made public. The FBI with its enormous responsibilities to the President, the Congress, and the American public must have the fullest cooperation from all persons who possess information bearing upon the internal security of our country. This it cannot have unless it is in a position to give assurances that its files will be kept confidential.

It has been the consistent and I believe wise policy of the Department of Justice, therefore, not to disclose the contents of FBI reports or memoranda or any part thereof. The only exception has been in the rare case where the information contained therein has been fully testified to by a witness or witnesses in Court or before Congressional Committees under oath, so that no element of disclosure was in fact involved, and where no confidential sources of information or investigative techniques would be disclosed.

The fifteen-page memorandum, if made public, would reveal confidential sources of information on the FBI, and confidential investigative techniques. It contains the names of persons against whom no derogatory material has been shown and unevaluated data as to others. Its publication would be harmful to matters now under consideration.

I must therefore conclude that the memorandum should not be declassified and that publication of the memorandum would be contrary to the public interest.

Your second request refers to a two and one-fourth page document, dated January 26, 1951, a copy of which was delivered to us by Mr. Robert A. Collier, Assistant Counsel of your Subcommittee, and which is returned herewith. This document purports to be a copy of a letter with a salutation: "Major General Bolling, Assistant Chief of Staff, G-2, Department of the Army, Washington, D. C. Sir:". It is marked "Personal and Confidential". It closes with the following typewritten signature: "Sincerely yours, J. Edgar Hoover, Director."

Mr. Hoover has examined the document and has advised me that he never wrote any such letter. However, this document does contain phraseology which is identical in words and paragraphs with those contained in the fifteen-page memorandum referred to previously. In addition this document contains the listing of names identical with names contained in the fifteen-page memorandum.

After these names there appear the words "derogatory" or "no derogatory" which were not contained in the original memorandum. Although the two and one-fourth page document purports to be a letter signed by J. Edgar Hoover, Director of the FBI, these evaluations of "derogatory" or "no derogatory" were not made by him nor by anyone on his behalf. In fact, there is nothing contained in the two and one-fourth page document to show who made such

evaluations. In view of these facts and because the document constitutes an unauthorized use of information which is classified as Confidential, and for the reasons previously stated, it is my opinion that it should not be made public.

Sincerely yours,

/s/ HERBERT BROWNELL, Jr.,
Attorney General.

(The above letter was marked "Exhibit No. 16.")

Senator MUNDT. You may step down and be unsworn.

The committee will stand in recess until 2:30 this afternoon.

Senator McCARTHY. Mr. Chairman, before the recess, I have a request to make.

Senator MUNDT. Make it after we reconvene.

Senator McCARTHY. I would like to make it now, Mr. Chairman.

Senator MUNDT. The committee is in recess, unless we have enough here. What is your request?

Senator McCARTHY. I would like to be heard on the request before the recess, I think it is a very important request with the Chair's permission.

Senator MUNDT. Make your statement.

Senator McCARTHY. Will the Chair sit down? It will take a little while.

Senator MUNDT. If we can get the committee back together, I will listen to your request.

Senator McCARTHY. I think time is of the essence in many of these things.

Senator MUNDT. Make it as briefly as possible, because we are running overtime.

Senator McCARTHY. Would the Chair prefer that I wait until after the recess? It will take about 10 minutes.

Senator MUNDT. Yes.

We will recess now until 2:30.

(Whereupon, at 12:45 p. m., a recess was taken until 2:30 p. m., of the same day.)

INDEX

	Page
Adams, John G.....	786, 790, 795, 797, 802, 812, 815, 816, 823
Administrative assistant to the President.....	822
Air Force (United States).....	782, 820
Air Force Intelligence.....	782
Alsop, Joseph.....	797
Appeal of Hartranft (case).....	823
Armed services.....	820
Army (United States).....	782, 784-786, 791, 792, 802, 811, 813, 815, 817, 819, 820, 823
Army Intelligence (G-2).....	782, 786, 819, 820
Army regulations.....	802, 815
Assistant Chief of Staff.....	819, 820
Atomic Energy Commission (Director of Intelligence).....	782
Attorney General.....	814-821, 823
BeLien, Colonel.....	786
Bolling, Maj. Gen. A. R.....	819, 820
<i>Boske v. Comingore</i> (case).....	823
Brown, Mr.....	792
Brownell, Herbert.....	818, 819, 821, 823
Carr, Francis P.....	791, 792, 794, 808, 811-813
Carroll, Maj. Gen. Joseph F.....	820
Central Intelligence Agency (CIA).....	782
Chicago Tribune.....	804
Cohn, Roy M.....	786, 791, 792, 794, 796, 800, 808, 811
Coleman, Aaron Hyman.....	819
Collier, Robert A.....	818
Testimony of.....	819-820
Communist infiltration in the Army (hearing).....	811
Communists.....	783, 809-813, 816-818
Congress of the United States.....	792, 796, 820, 823
Congressional committees.....	820
Decker, General.....	786
Defense Secretary.....	792, 794
Delaney, Colonel.....	786
Department of the Army.....	782, 784-786, 791, 792, 802, 811, 813, 815, 817, 819, 820, 823
Department counsel (Army).....	814
Department of Defense.....	790, 791, 794
Department of Justice.....	782, 788, 820
Deputy Attorney General.....	819
Dirksen, Senator.....	785, 786, 791, 793, 798
Edelman, General.....	786
Eisenhower, President.....	822, 823
"Espionage-R".....	819
Executive branch of Government.....	820
Executive Order No. 10450 (April 27, 1953).....	822
Far East.....	796
Federal Bureau of Investigation (FBI).....	782, 786, 819, 820
Federal Government.....	782, 783, 820, 822, 823
Fort Monmouth.....	811
G-2 (Army Intelligence).....	782, 786, 819, 820
Government of the United States.....	782, 783, 820, 822, 823
Hadley, Arthur.....	799
Hensel, H. Struve.....	786, 789-794
Hill (Capitol Hill).....	803

	Page
Hinds Precedents (House of Representatives)-----	823
Hoover, J. Edgar-----	783, 784, 786, 819, 820
Hoover document ("Personal and Confidential")-----	784, 819, 820
Honek, Colonel-----	786
House of Representatives-----	792, 796, 823
Inspector General (Special Investigations)-----	820
Intelligence Advisory Committee (National Security Council)-----	782
Intelligence of the Air Force (Director)-----	782
Intelligence of the Atomic Energy Commission-----	782
Intelligence Department (Army)-----	782, 786, 819, 820
Intelligence of the Joint Staff of the Joint Chiefs of Staff-----	782
Jackson, Senator-----	783
Joint Chiefs of Staff (Intelligence Director)-----	782
Jones, Mr-----	802
Justice Department-----	782, 788, 820
Kane, Mr-----	786
Keyes, Secretary-----	786
<i>Kilbourn v. Thompson</i> (case)-----	823
Lehrbas, Mr-----	786
Lemnitz, General-----	786
<i>Marbury v. Madison</i> (case)-----	823
Martyn, Mr-----	786
McCarthy, Senator Joe-----	783, 784, 786-813, 816, 818, 819, 821
McCarthy committee-----	816
McClellan, Senator-----	788, 793
McCormick, Colonel-----	803, 804
Members of Congress-----	792, 796
Methodist Club-----	812
Milton, Secretary-----	786
Minor, Robert-----	819
Mudgett, General-----	786
National Security Council (Intelligence Advisory Committee)-----	782
Naval Intelligence-----	782
New York-----	803
New York State-----	804
Newsweek (publication)-----	799
Opinions of the Attorney General-----	823
Palmer, General-----	786
Pentagon-----	789, 790, 798, 804, 811, 818, 819
Peress case-----	801
Potter, Senator-----	791-795, 798
Potter (letter)-----	792-795
President of the United States-----	820, 822, 823
Presidential directive-----	817, 822
Presidential documents-----	822
Presidential letter (April 3, 1952)-----	822
Prohibitions on testimony by Loyalty-Security Board members before congressional committees-----	822
Rainville, Mr-----	802
Ridgway, General-----	786, 802
Roderick, Secretary-----	786
Rogers, Deputy Attorney General-----	823
St. Clair, James D-----	814
Schine, G. David-----	792
Seaton, Secretary-----	786-788, 790
Secretary of the Army-----	784-818
Secretary of Defense-----	792, 794
Secretary of State-----	822
Senate of the United States-----	785, 792, 796, 820
Stevens, Robert T., testimony of-----	784-818
Taft-Hartley Act-----	785
<i>Touchy v. Ragen</i> (case)-----	823
Trudeau, General-----	786
Truman, President-----	822
<i>United States v. Reynolds</i> (case)-----	823
United States Army-----	782, 784-786, 791, 792, 802, 811, 813, 815, 817, 819, 820, 823
United States Code (title 5, sec. 6)-----	782

	Page
United States Congress-----	792, 796, 820, 823
United States Department of Defense-----	790, 791, 794
United States Department of Justice-----	782, 788, 820
United States Government-----	782, 783, 820, 822, 823
United States House of Representatives-----	792, 796, 823
United States President-----	820, 822, 823
United States Senate-----	785, 792, 796, 820
United States War Department-----	815, 818
<i>Vogel v. Gruaz</i> (case)-----	823
Washington, D. C.-----	820
Washington, President-----	823
Washington's Birthday-----	799
White House-----	822
Wibbel, General-----	786
Young, General-----	786
Zwicker, General-----	799-806



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